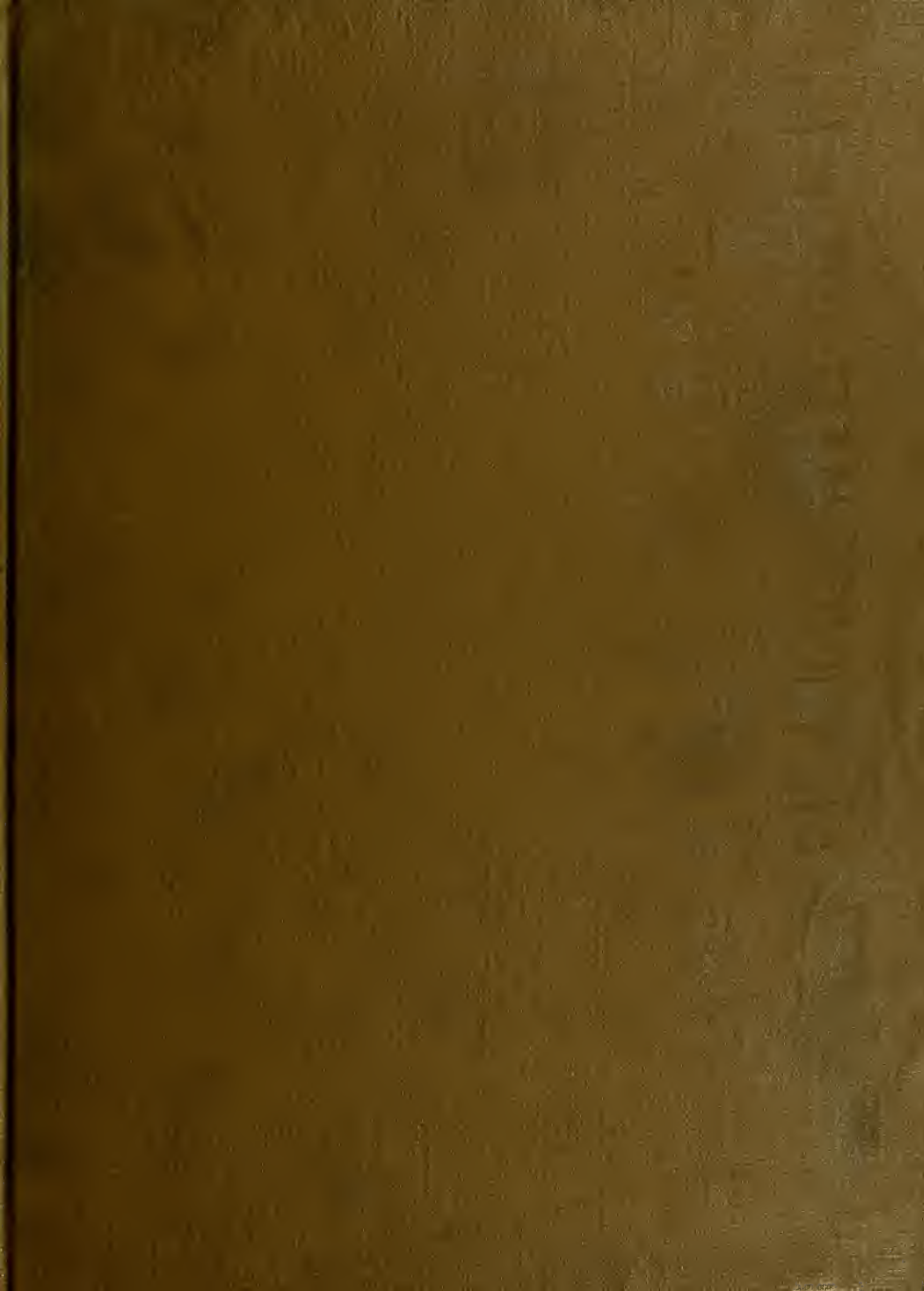




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TOGETHER WITH

NOTICES OF THE ARTS AND MANUFACTURES,

AND A

RECORD OF THE EVENTS OF THE TIMES.

JEREMIAH HUGHES, EDITOR.

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NILES' NATIONAL REGISTER.

The number of the REGISTER, issued last week, completed the tenth volume of the new series. We have the pleasure of forwarding the first number of the eleventh volume, or sixty-first volume of the entire work, printed upon new type—manufactured for us at Mr. Carter's Baltimore type foundry—which will considerably improve the appearance of the publication.

For the generous and efficient support which the REGISTER continues to receive from a portion of its subscribers, the editor returns his heartfelt acknowledgment—and sincerely hopes that the efforts he is making to render the work useful, will be seconded by the friendly aid of those subscribers who—most of them, we are sure, from mere inadvertence—have allowed their accounts to be in arrear.

It is not necessary at this day to say one word in commendation of the character of the REGISTER, as a historical record; for it is so closely identified with the progress of the nation, that no man, who desires to attain correct information in relation to "men and things," can do so, satisfactorily, without reference to its pages. Those who possess entire copies of the work are, indeed, rich in its possession, and there is not a volume which is not daily increasing in value. To keep up its well earned reputation will be our constant aim—and we appeal to our old friends and the public to aid us in the effort to bequeath a rich political legacy to those who may come after us.

THE U. S. senate was occupied Wednesday, Thursday and Friday in a warm debate upon the bill which passed the house last week, to establish a FISCAL CORPORATION. The bill finally passed the senate yesterday, without amendment, yeas 27, nays 22—a strict party vote, with the exception of Mr. RIVES, who voted against the bill. Mr. ANCHER made a speech in favor of the bill on Thursday.

THE LAND DISTRIBUTION BILL having passed both houses, was yesterday signed by the president.

NATIONAL AFFAIRS.

APPOINTMENTS BY THE PRESIDENT, By and with the advice and consent of the senate. Charles S. Todd, of Kentucky, envoy extraordinary and minister plenipotentiary to Russia. David Jenifer of Maryland, envoy extraordinary and minister plenipotentiary to Austria. H. M. Breckwidge, of Pennsylvania, to be a commissioner under the act of congress to carry into effect the convention with the Mexican republic of the 11th April, 1839. Thomas B. Pottinger, marshal for the district of Maryland. John R. Vance, register of the land office, at Danville, Illinois.

VICE CONSULS. The president has recognized JOHN M. WRIGHT, esq. as vice consul of Brazil, for the port of Philadelphia. ARISTIDE BRANCO, esq. vice consul of Belgium, for the port of Norfolk, Virginia.

VOL. XI.—SIC. I.

THE PUBLIC FUNDS. The sub-treasurers having been dispensed with by virtue of the repeal of the sub-treasury law, at Boston, the American bank has been selected to keep the deposits.

At N. York the Merchants' bank was at first designated, but subsequently the Bank of Commerce was substituted—report says because the former refused to give the security required. The Bank of Commerce took out \$500 of the government loan just negotiated, at 3 1/2 per centum.

INVESTIGATION. The Board of Commissioners appointed to investigate the New York custom house concerns, after a session of nearly three months, have brought their inquiries to a close. The testimony collected is said to occupy 800 folio pages, some of it of a very serious import.

The N. Y. American says, "The commissioners, on the eve of breaking up, addressed a letter to the collector, Mr. Curtis, approving the reform introduced by him into the custom house in the manner of keeping and accounting with the public moneys, in the reduction of the enormous incidental expenses of the office, and that of the number of persons employed. They also say that nothing has appeared which in any manner implicates Mr. Curtis in the discharging of his official duties. The testimony borne by all the commissioners to his diligence, intelligence and fidelity, cannot but be grateful to Mr. Curtis and to his friends."

TRADE AND COMMERCE.

THE BRITISH CORN LAWS. The question having been fairly submitted to the people of Great Britain, in their ultimate constitutional capacity, at the polls, whether they would adopt something more like reciprocity, and neutralize akin to free trade, or would adhere to the system which has so long and is still operating so disadvantageously to us, and they, by electing a decided majority of the tory party to parliament upon the express ground that, if elected, they would continue that policy, it now becomes the duty of every American citizen to acquaint himself with the scope of those said corn laws, and discern how it is that they affect our trade.

To facilitate this object, we subjoin a tabular statement of the duty payable, per barrel, on American flour, under the corn laws of Great Britain, carefully prepared by an American merchant, resident in Liverpool.

By act 9, of George IV, ch. 69, the duty on foreign wheat is as follows, viz:—When the average price of wheat is at and above—

Per cwt.	Duty per qr.	Duty per bbl. on flour.
5.	s. d.	s. d.
73	1 0	7 7.32
72	2 8	7 1.14
71	6 8	4 0.18
70	10 8	6 5
69	13 8	8 2.21.32
68	16 8	10 0.5.16
67	19 8	11 2.3.4
66	22 8	12 5.3.16
65	25 8	13 0.1.32
64	28 8	13 7.5.8
63	31 8	14 2.2.32
62	34 8	14 10.1.6
61	37 8	15 5.9.32
60	40 8	16 0
59	43 8	16 7.2.32
58	46 8	17 1.15.16
57	49 8	17 10.5.32
56	52 8	18 5.3.8
55	55 8	19 0.1.32
54	58 8	19 7.30.32
53	61 8	20 3.1.32
52	64 8	20 10.1.4
51	67 8	21 5.15.32
50	70 8	22 0.2.32
49	73 8	22 7.2.32
48	76 8	23 2.1.32
47	79 8	23 10.11.32
46	82 8	24 5.9.16
45	85 8	25 0.2.32
44	88 8	25 8
43	91 8	26 7.7.32

On barley and Indian corn, if the average price is 31s. and under 34s. the duty is 12s. 4d. per imperial quarter, and for every 1s. per quarter it advances, the duty is decreased 1s. 6d. until it reaches 41s. per

qr. at which price and upwards, no more than 1s. per qr. is levied; and the duty increases in like manner 1s. 6d. per qr. as the price declines 1s. or part of 1s. under 34s. per quarter.

On oats, if the average price is 35s. and under 26s. per qr. the duty is 9s. 3d. per qr.; decreasing 1s. 6d. per qr. as the average price advances 1s. until it reaches 31s. when at that price or more, the duty is only 1s. per qr.; and in like manner it is increased 1s. 6d. per qr. for every 1s. or part of 1s. per qr. the average recedes below 34s. per quarter.

For the convenience of those who do not readily understand quarters and sterling money, I. H. Hedley has prepared the following tables exhibiting the rates of duty per bushel in federal money, together with the duty on flour per barrel in federal money, so arranged that they correspond with the preceding table, and will be at once understood. Thus when wheat is at and over—

Per bushel.	Duty per bushel.	On flour per bbl.
82 cts. 6 mills.	02 cts. 8 mills.	13 cts.
1 39 8	04 9	35 2 mills.
1 97 0	18 5	88 8
1 94 2	20 6	\$1 42 4
1 91 5	37 9	1 81 3
1 88 7	46 2	2 32 0
1 85 9	51 8	2 47 9
1 83 1	57 3	2 75 7
1 80 4	60 1	2 88 6
1 77 6	62 9	3 00 6
1 74 8	65 7	3 14 5
1 72 0	68 4	3 29 3
1 69 3	69 4	3 42 2
1 66 5	74 0	3 55 6
1 63 7	74 9	3 68 6
1 60 9	79 5	3 81 1
1 57 5	80 5	3 95 9
1 55 4	85 1	4 08 8
1 52 6	86 0	4 21 8
1 49 6	90 6	4 34 8
1 47 1	91 6	4 49 6
1 44 3	94 9	4 62 5
1 41 5	97 1	4 75 5
1 38 7	\$1 01 7	4 88 4
1 35 9	1 02 7	5 01 4
1 33 2	1 07 3	5 16 1
1 30 4	1 08 2	5 29 1
1 27 6	1 12 8	5 42 0
1 24 8	1 13 8	5 55 0
1 22 1	1 18 4	5 69 6
1 19 3	1 19 3	5 90 2

Mr. Hedley observes, "From the inspection of the above tables it will be seen that the duty on flour is 50 per cent. higher than on grain: consequently shipper generally send wheat in bulk to England, unless the price is very high, when the duty is so small as to make the freight more than to counterbalance the extra duties. At best, however, it is but a hazardous business, and often attended with ruinous loss to American exporters. The extra duty on flour is no doubt intended as a sort of protective tariff to English flour manufacturers, and is abundantly characteristic of English tact and statesmanship. I have no wish to make comments now; the time is coming when this subject will be canvassed in all its parts, and an administration elected that will put forth all its power to procure either a total repeal of these unjust laws, or such a modification of them as will justify American merchants in seeking the ports of Great Britain as an available market for our increasing surplus of bread stuffs."

THE SWEET DUES.—QUARANTINE. A communication from the Elsinore custom house announces a reduction in the Christianiope tariff, to take effect on the 15th June 1841—annexed are the alterations:

	New duties.	Former duties.
Alkipce per 100 lbs.	41st*	9
Oranges, lemons, &c. chest.	1	2
Arsenic 300 lbs.	6	12
Opiment 100 lbs.	6	9
Cocoa "	6	24
Coffee "	6	24
Cannell's hair 50 lbs.	12	30
Cannella alba 100 lbs.	12	36
Cardamom "	18	36
Cassia fistula "	12	36
" lignea "	9	36

*45 shillings equal to two Danish dollars specie.

Cement	12 brls.	12	36
Cubies	per 100 lbs.	8	12
Juniper berries	800 lbs.	12	36
Cotton yarn or twist	100 lbs.	16	30
" " sewings	50 lbs.	15	30
" " printing	50 lbs.	15	30
" " Turkey	50 lbs.	15	30
" " for embly	50 lbs.	15	30
Camel's yarn	50 lbs.	18	30
Manna or manna groats	100 lbs.	2	9
Turnerie	100 lbs.	2	12
Sisal	100 lbs.	2	4
Dyewoods, viz: Japan and Spaw-			
wood, Provencewood, Sandal-			
wood, Camwood or Barwood,			
Calicutwood, Honduras-			
Campeachywood, Logwood, Fi-			
rewood Gallicewood, Niara-			
guaewood, per 1,000 lbs. Stock-	8	30 or 36	
fishwood, St. Marthawood, Ito			
de la Hachewood per 1,000 lbs.	12	36	
Dyewoods not mentioned or stated			
in the Christian-tariff schedule		1 percent ad val.	
Mixed natural galls, all kinds,			
with the exception of white or			
ordinary calices, and those men-			
tioned here		1 percent ad val.	
Cotton hose per 50 pairs	6	30	
Cotton hose and children's do.	6	30	
per 100 pairs	6	30	
Oldre per 200 lbs.	1	9	
Pachre per 100 lbs.	6	1st	
		[per bush]	
Sarsaparilla per 100 lbs.	18	36	
Soda per 300 lbs.	18	36	
Spices not mentioned here		1 percent ad val.	
Sugar, raw per 100 lbs.	5	9	
Zinc per 100 lbs.	2	3	

Ships from Cuba, and other American ports, have now, as long as the places are considered healthy, no detention at all, when they have had no case of sickness on the passage; otherwise, they will be liable to an observation quarantine. In case, however, any place should be declared infected, the vessels coming from the same will only have to perform an observation quarantine of from four to fourteen days, and not as formerly be subjected to a purification unloading.

We have received a communication from our custom house, stating that in accordance with the negotiations which have lately taken place, some dues on several articles not mentioned in the Christian-tariff, have been reduced from the 15th of June.

BANKRUPT LAW—ITS HISTORY. On the 4th of April, 1800, congress passed a uniform bankrupt law. At this time the business of the country was limited; the relations between debtor and creditor stood upon a different footing; imprisonment for debt existed in nearly all the states. The law applied to merchants and traders only. A farmer, a lawyer, or a mechanic had to become a trader, within the meaning of the act, to be entitled to the benefit of its provisions. A change in the political parties of the day was not without its effect upon this law. It was repealed December 19, 1803. Had the law remained, and been amended as time and experience would have suggested, it would have been of great benefit to the country, not only in a moral but in a pecuniary point of view. The country would have escaped many of the convulsions and disasters which it has, since that period, passed through.

The next action on the subject was in the house of representatives, January 1, 1812, when a committee was appointed to inquire into the expediency of establishing a uniform law on the subject of bankruptcy.

In the house, January 3, 1815, Mr. Ingersoll, from the committee on the judiciary, reported a bill. (See bill H. R. No. 650.) At this time Boston, New York, Philadelphia and Baltimore, sent in strong petitions in favor. (See house journal, 15th congress.)

In the house, February 27, 1816, Mr. Nelson, from the committee on the judiciary, reported a bill; April 22, committee discharged, and the subject indefinitely postponed.

In the house, December 13, 1816, Mr. Hopkins, from the committee on the judiciary, reported a bill. February 24, 1817, committee discharged and the subject indefinitely postponed.

In the house, December 12, 1817, Mr. Hopkins, from the committee on the judiciary, reported a bill. (See bill No. 6.) February 13, taken up in committee of the whole, debated from time to time, and finally indefinitely postponed—82 to 70. (See this debate.)

In the house, November 24, 1818, Mr. Hopkins, from the committee on the judiciary, reported a bill again; but it was not acted upon.

In the house, December 11, 1819, Mr. Sergeant, from the committee on the judiciary reported a bill; but it was not acted upon.

In the senate, January 12, 1820, Mr. Smith, from the committee on the judiciary, to whom were referred the memorials of a large number of the merchants of Boston and other towns of Massachusetts; of merchants and others of New Haven, Connecticut; of merchants and others of Portsmouth, New Hampshire; of the chambers of commerce in New York, Philadelphia, Baltimore, and Charleston, S. C., reported a uniform system of bankruptcy, reported a bill, and it was debated from January 14 to March 30, and lost in its passage to be engrossed—19 to 17.

In the senate January 2, 1821, Mr. Van Dyke asked and obtained leave to bring in a bill, which was referred to the committee on the judiciary. January 11, Mr. Smith, from the committee of the judiciary, reported the bill without amendment, which was debated and engrossed. February 14, the question, *shall this bill pass?* was decided in the affirmative—yeas 22, nays 19. So the bill passed the senate, and was sent down to the house.

In the house, February 20, 1821, the secretary of the senate came in with a bill from the senate to establish a uniform system of bankruptcy throughout the United States, and asked the concurrence of the house; and the bill was referred to the committee on the judiciary. (See bill from senate, No. 30.) This bill failed from not being acted upon.

In the house, December 11, 1821, Mr. Sergeant, from the committee on the judiciary, reported a bill again, (see bill No. 1), which was debated from time to time until May 12, 1822, when the bill was lost in its passage to be engrossed—59 yeas to 77 nays. In the house, February 20, 1822, Mr. Walworth laid upon the table a joint resolution that the constitution be amended so as to give back to the states the power they had on this subject previously to the adoption of the constitution. March 22, the above resolution was read a first and second time, and referred to the committee on the whole on the state of the union. (See house journal, 1821 and '22, page 340.)

In the house, December 11, 1823, Mr. Breck moved that the committee on the judiciary be instructed to inquire into the expediency of establishing a uniform system of bankruptcy. December 30, Mr. Briggs moved that the committee on the judiciary be reported that, from want of time at this session, it was inexpedient to bring in a bill.

In the house, May 26, 1824, Mr. Webster, from the committee on the judiciary, reported that it was now expedient to establish a uniform system of bankruptcy.

In the house, December 6, 1825, John Q. Adams, president of the United States, in his annual message to both houses, recommended the passage of a bill. The subject was referred to the committee on the judiciary. January 3, 1826, Mr. Webster, from the committee on the judiciary, reported a resolution that it was expedient to pass such a bill. The resolution was read and referred to the committee of the whole house on the state of the union. February 6, Mr. Wickliffe moved that the clerk of the house procure the statutes of Great Britain on this subject, and have the same printed for the use of the members.—Subject laid upon the table.

In the senate, December 13, 1825, Mr. Smith moved that a select committee be appointed to inquire into the expediency of abolishing imprisonment for debt. Mr. Hayne moved to amend the same so as to establish a uniform system of bankruptcy. February 22, 1826, Mr. Hayne reported a bill, which was debated from time to time, and finally laid upon the table May 24, 1826.

In the senate December 6, 1826, Mr. Hayne asked and obtained leave to bring in a bill, which was, December 19, considered in committee of the whole.—February 12, 1827, the bill was debated, and lost in its passage to be engrossed—27 to 21. (See speeches on this bill.)

December 4, 1827, John Q. Adams, president of the United States, in his annual message recommended to both houses the passage of a bankrupt bill. February 22, 1828, Mr. Adams, in his message, presented a resolution of the legislature of Massachusetts in favor of a uniform system of bankruptcy.—(See house journal, 22d congress, page 668.)

In the house, September 5, 1837—extra session—Mr. Van Buren, president of the United States, recommended in his message to both houses the passage of a bill, and to apply in particular to banks and banks, and the judiciary of the several states, a report. Referred to the committee on the judiciary. September 21, the committee on the judiciary reported that it is inexpedient to legislate this extra session.

In the senate, September 5, 1837—extra session—the same action was had in the house—that it was

inexpedient to legislate on the subject at this session.

In the senate, January 13, 1840, Mr. Norvell moved that the committee on the judiciary be instructed to inquire into the expediency of reporting a bill.—April 1, Mr. Webster asked and obtained leave to bring in a bill, (S. No. 244), which was read and referred. April 3, Mr. Tallmadge asked and obtained leave to bring in a bill, (S. No. 295), which was read and referred. April 23, Mr. Clayton, from the committee on the judiciary, reported a bill, (S. No. 324). Mr. Wall, from a minority of the committee, reported an amendment to bill No. 324. June 12, Mr. Crittenden, from the select committee to whom was referred the senate bill No. 324, with the amendment proposed by Mr. Wall, reported the bill with the amendments to the senate. He also reported a bill (S. No. 369) which was debated from time to time; and June 25, the question, *shall this bill pass?* was decided in the affirmative—21 to 19. So the senate passed the bill and sent it down to the house.

In the house, February 10, 1840, Mr. Hubbard moved that the committee on the judiciary be instructed to inquire into the expediency of establishing a uniform system of bankruptcy. March 9, Mr. McKay moved that they should inquire also as to banks and other corporations. February 29, Mr. Curtis informed the house that, when in order, he should ask leave to introduce a bill. July 25, 1840, Mr. McKays, secretary of the senate, came in with the bill from the senate to establish a uniform system of bankruptcy, and asked the concurrence of the house. (Senate bill No. 369.) July 7, laid upon the table by nearly a party vote—101 to 85.

In the senate, December 30, 1840, Mr. Crittenden, from the committee on the judiciary, reported a bill, (S. No. 160), which was debated from time to time until February 27, 1841, when the subject was passed over from want of time, with the understanding that the subject should be acted upon at the next session.

In the house—extra session—June 12, 1841, Mr. Briggs moved that the committee on the judiciary be instructed to inquire into the expediency of reporting a bill to establish a uniform system of bankruptcy.

In the senate—extra session—June 25, 1841, Mr. Briggs moved from the committee on the judiciary, reported a bill.

In the house, July 1, 1841, John Tyler, president of the United States, sent a special message to the house in favor of the passage of a bill, with a petition of 3,000 citizens, from New York.

In the house, August 21, Mr. Barnard, from the committee on the judiciary, reported a bill with a written report in favor of the measure; both of which were read and ordered to be printed. He also offered a resolution that it was inexpedient to legislate upon the subject at this extra session; which resolution, after debate, was laid upon the table; yeas 118, nays 81.

In senate, July 22, 1841, Mr. Berrien, according to notice, called up the bankrupt bill. July 23, Mr. Nicholson moved to amend the bill by inserting "banks and other corporations," which motion was decided in the negative, 34 to 16. The bill was debated until July 24, when the question was put—"shall this bill pass?" and decided in the affirmative—yeas 26, nays 23. So the senate passed the bill and sent it down to the house.

In the house July 24, 1841, the secretary of the senate came in with the bill to establish a uniform system of bankruptcy, and asked the concurrence of the house.

In the house, July 31, 1841, Mr. Barnard moved that the bill from the senate be referred to the committee of the whole on the state of the union, and be printed. Mr. Sprigg moved to lay the bill on the table, and called the yeas and nays—decided in the negative, 123 to 91. The bill was then referred.

In the house, August 7, 1841, Mr. Sergeant moved that the committee take up the senate bill to establish a uniform system of bankruptcy, as reported with amendments to the house from the select committee. August 22, 1841, Mr. Sprigg moved, yeas 29, nays 29. Same day, Mr. W. W. Irwin, moved a further consideration of the bill—yeas 87, nays 68. Mr. Briggs then moved that the bill be laid aside for the present; yeas 104, nays 11. No quorum.

In the house, August 10, 1841, Mr. Briggs withdrew a motion he had offered on the bill; it was further considered, but no definite action was had thereon.

August 17, The bill being again under consideration, action was taken on Mr. Gordon's motion, to strike out the enacting clause of the bill—negative; yeas 79, nays 90. Mr. Barnard moved to postpone the action of the bill to 1st February—agreed to.—Mr. Underwood moved to lay the bill and amendments on the table; agreed to; yeas 110, nays 97.

August 18. Mr. Gamble moved a reconsideration of the vote by which the bankrupt bill and the amendments had been laid on the table. Decided in the affirmative, yeas 116, nays 93. The bill was then amended; and Mr. Briggs moved the previous question. And the main question, "shall the bill pass," was decided in the affirmative; yeas 110, nays 106.

President Tyler has subsequently signed the bill, which establishes a uniform system of bankruptcy throughout the United States—for a copy of which see page 4.

THE ARMY.

GENERAL ORDERS, No. 51.

War Department, Adjutant General's Office,

Washington, Sept. 1, 1841.

I. The 7th military department, as detailed in general orders, No. 32, of 1837, will hereafter be included in the western division. Brigadier General Brady will report to the major general commanding the western division, and also, in cases of emergency, to general head-quarters.

II. Brevet Brigadier General Wool, inspector general, having been appointed brigadier general, vice Brevet Major General Scott, he is assigned to the command of the eastern division of the army.

Until further orders the head-quarters of the eastern division will be changed to Troy, New York.

Captain E. SCHREYER, Assistant adjutant general, is for the present, assigned to the staff of Brigadier General Wool. By order, L. THOMAS,

Assistant Adjutant General.

Major general WINFIELD SCOTT, accompanied by his aids, Captains ANDERSON and ALLEN, left Albany on the 25th inst. for the western part of N. York.

MILITARY ACADEMY. The cadets at West Point, we understand, say that N. Y. American, have been obliged to strike their tents and go to barracks, in consequence of the prevalence of dysentery among them.

THE NAVY.

The U. S. ships Constitution and Yorktown, and store ship Relief, were at Callao on the 20 May.

The U. S. ship St. Louis, capt. F. Forrest, arrived at Sandwich Islands on the 6th April, and proceeded shortly after to visit St. Francisco, Monterey, and Mazatlan, at which latter port she arrived on the 8th June. The St. Louis took from the Marquesas Islands a number of runaway sailors, who had been encouraging the natives in their savage warfare and exercising a demoralizing influence over them.

The U. S. ship Vincennes, Capt. Wilkes, and the brig Porpoise sailed from Sandwich Islands on the 5th April for Colombia river.

The brig Consort has left New York, on a surveying cruise.

The U. S. ship Cyane, Com. Armstrong, says the Norfolk Phoenix, dropped down from the yard, to the naval anchorage, off Town Point, yesterday morning. She is destined for the Brazil station.

The secretary of the navy has appointed Dr. Wm. P. C. BARTON, of the navy, to fill the now vacant station of attending surgeon of the United States naval asylum, on the Schuylkill.

STATES OF THE UNION.

We are yet without official returns of the elections in either of the states that held elections last month. The general results as heretofore given are confirmed.

On Tuesday next the annual election takes place in Vermont, and on the Monday following that of Maine occurs.

RIHODE ISLAND.

UNIVERSAL SUFFRAGE. We learn by the Providence Journal that the executive committee of the Rhode Island Suffrage association, have issued a call for a convention to frame a state constitution, for delegates to be elected from the several towns, in proportion to their population, and to meet in Providence early in October. The entire male population, legally resident of the state, and of lawful age, are invited to vote for the delegates. We learn that it is the intention to present the constitution thus framed, to the general assembly at the October session, and to petition for its adoption as the supreme law of the state.

VIRGINIA.

COPPER ORE. The Wheeling Gazette says that large quantities of copper ore have been discovered in the vicinity. The ore was submitted to Professor Smith and Dr. Blake, (dentist), who analyzed it, and produced pure copper. "The basis of the ore appeared to be carbonate of lime."

ARKANSAS.

TERRIBLE ACT OF LYNCH LAW. The N. Orleans Picayune contains the particulars of a whole sale exercise of Lynch law in the state of Arkansas. It seems that Phillips county of that state, and the county of Cloohoma, on the opposite side of the river, have been the harbor of an extensive band of counterfeits. The citizens, enraged at this system of things, resolved to rid themselves of them, by any and every means placed within their power. They accordingly proceeded, about 100 in number, in a militia, headed by a captain Barney Bedford, all well armed. The following stratagem was then resorted to, for their apprehension. The volunteers engaged a trading boat at Helena, and hid about 50 men in the store room; they then descended the river, landing at every place where they supposed to find in the counterfeits. These depraved men came on board to purchase produce, with the intention of paying for it in counterfeit money. They were thus taken and secured in the boat. When the number had increased to 37 men, they were tied hands and feet, and as the report says, drowned in the Mississippi, near Island No. 63, in the presence of two men, Harrol and Burgess, who, it appears, officiated, or at least took an active part in the execution of the sentence.

The Picayune states, that when their informant left, the volunteers were still in pursuit of others, the main one of whom they wished to secure, was a man named Merion Wright. Among the list of victims, the following names have been named: viz. H. H. Talley, Lewis H. Kingston, Andrew McLaughlin, Willis Pollock, Hugh Cotton, Elliot and Robert Hunter, the latter lately from New York, Joe Merritt and McCormick.

The St. Louis papers contain further particulars, giving a still darker look to this bloody outbreak. The owner Fisher, dropped up and shot was 75, after which the executioners proceeded up and down the river, burning the houses lately occupied by the victims of their vengeance, and ordering their families to leave their homes forever.

INDIANA.

ELECTION. According to Chapman's State Centinel of the 24th ult.

Senate stands, whigs	28	democrats,	21
House stands, whigs	46	democrats,	54

74

75

and there is a vacancy in the senate in Marion county, for which an election is to be held Sept. 18. If a whig is elected, as is probable, parties will be balanced on joint ballot.

ILLINOIS.

MORE LYNNING. We learn from the Peoria (ILL) Register, that a few weeks since, a young man named George Fisher, of Johnson county, was taken out of bed at night by a band of five or six men, who, with their heads shaved, his body tarred and feathered, and then, with his hands tied behind him, put into a canoe, and set adrift in the Mississippi river, with a threat that they would kill him if he came ashore. After floating a few miles, Fisher contrived to free his hands and reach the shore. He immediately returned home, and caused some of the ruffians to be apprehended, who, after due examination, were bound over to appear at the next court—two of them in bonds of \$1,200 each, the others from \$400 to \$800 each. The remaining four ruffians made their escape to the Iowa side of the river, and there succeeded in rallying a mob, who came over in a ferry boat and recaptured Fisher. This was in the middle of the afternoon. Fisher was taken some seventy yards from the road, tied with a chain and rope, and a guard of two men armed with knives and pistols, placed over him, who told him that if he hallooed, instant death was his portion. Here he remained till dark, when he was taken to the second island above Bloomington, and flogged by four men until back, legs and arms were cut into welts. He was then presented with a lie-bill to sign; refusing to do which, he was again put into a canoe, in which was a large stone, and set adrift. He, however, effected a landing a few miles below Burlington.

CANAL—STATE DEBT. We copied an article from the Ottawa paper, says the Springfield Journal, stating that the governor had agreed to appropriate seventeen hundred thousand dollars in bonds for canal purposes. We have understood that the governor had only agreed to issue \$150,000 in bonds, for the payment of debts already due to contractors.

The \$1,700,000 of bonds, if issued, will increase our state debt to near \$16,000,000.

It is said, on the supposition that the governor has determined to issue this amount (1,700,000) of

bonds, that the legislature will not be convened the coming winter.

MISSOURI.

APPOINTMENT. The governor of Missouri has appointed Judge Scott, recently judge of the circuit which includes Jefferson city, to the bench of the supreme court of this state.

FLORIDA.

Since Col. Worth has been in command, nearly 300 Indians have either come in and surrendered or been captured. The haunts to which they resorted north of a line drawn from Piskito to the mouth of Withlacoochee, have been broken up, and the war is now removed south of the river. It is stated that the Tiger Tail was to meet Col. Worth on the 25th ultimo, at Amnuteelga to negotiate a surrender. A letter dated the 21st August says—A few days since Capt. Alexander, of the 6th infantry, scouting on the Homosassa, came across a corn field of Tiger Tail, which he destroyed, and which Indian guide informed him was the last field Tiger Tail had left. Halleck's Tussocke has been so roughly handled that he now takes refuge upon Spring Garden Island in Lake St. John's with about 19 warriors and fifty or sixty women and children. An expedition was to start in search of him on the 26th ultimo. The Charleston Patriot publishes a letter dated 28th August, Aug. 23, which states that 25 of Aleck Tustuggee's warriors had gone into Tampa, and that the whole band was about giving up. Lieutenant Anderson had captured six squaws and three children near Volusia.

The steamer William Tell was to leave on the 24th for Fort Pierce, with horses. A party of 30 mounted men was to leave that post immediately on the arrival of the boat, on an excursion to co-operate with the movements now going on.

Despatches have been received at the war department from Col. Worth, up to the 18th instant.—They furnish gratifying evidence of the continued activity of the troops in exploring the hiding places of the enemy, and in promptly pursuing predatory parties among the settlements.

The sections of the country lying in the Horawasassa and Wicassassa rivers have been explored by land and water; in the former the traces of Indian cultivation were discovered and destroyed.

The neighborhood of the Timoka and Halifax rivers has also been minutely examined, but without meeting with any indications of the enemy. The expedition into the Everglades had not been heard from, and the reports of the movements in Middle Florida the troops are kept constantly on the alert.

Much of the country, nearly impracticable at the best season, is now rendered doubly so by unusual inundation, owing to continued rains. The zeal of officers and men, and their perseverance in scouting, under such difficulties, deserves all praise.

The colored commanding reports the coming in of ten Indians since the report of the 8th of August, and the capture, by Lieut. Col. Riley, of a sub-chief of Halleck Tustuggee's band; from the possession of whom he expects material assistance in the futureance of his plans.

TALLAHASSEE, AUG. 21. *More Indian Depredations.* We learn that on Saturday last, as a party of six men, with a deer hunter and a Golden county, they started an Indian who they pursued for some distance. Mr. Gilchrist, (who had a horse), coming up near him, the Indian secreted himself in the hammock and shot him through the shoulder, but not mortally, when Mr. G. shot the Indian dead, at the same time discovering a party about 40 rods distant, in the act of gathering round him. The party then fled, and moment two more of the hunters arrived, who killed two more Indians and wounded the fourth so that he fell, but made his escape. The Indians, of course, took to the hammock. With shame did we hear, that three of the hunters run with fright on the announcement of Indians.

We also learn that on Tuesday night a party of 7 Indians came down the Augustine road, passed Blocker's Cross Roads to the house adjoining Tom Peters Chairs mill, and finding it well picketed in, went to the miller's house, where they lay in wait until the miller rose to go to his mill. Then they shot him down, wounding him in four or five places (though we are glad he was not mortally), and supposing him dead, plundered his house and set fire to it, then proceeded to the mill, loaded themselves with meal, &c., burned that also, and then took up their line of march for the hammock, where they met a man on horseback, whom they shot at and wounded, when his horse took fright, turned and made for home, but while within gunshot they wounded the man a second time, also the horse, so that it was with much difficulty that his horse, with himself, escaped their chary shooting, as he was pursued for

[*Floridian*.

OWA

BANKRUPT LAW.

A BILL

out any priority or preference whatsoever, except only for debts due by such bankrupt to the United States, and for all debts due by him to persons who by the laws of the United States have a preference, in consequence of having paid moneys as his surety, which shall be paid out of the assets; and any person who shall have performed any labor as an operative in the service of any bankrupt shall be entitled to receive the full amount of the wages due to him for such labor, not exceeding twenty-five dollars: *Provided*, That such labor shall have been performed within six months next before the bankruptcy of his employer; and all creditors whose debts are not due and payable until a future day, all annuitants, holders of annuities and respondentia bonds, holders of policies of insurances, sureties, endorsers, bail or other persons, having uncertain or contingent demands against any bankrupt, shall be permitted to come in and prove such debts or claims under this act, and shall have a right, when their debts and claims become absolute, to have the same allowed them; and such annuitants and holders of debts payable in future may have the present value thereof ascertained, the court directing such valuation, and allowing them accordingly as debts in present; and no creditor or other person, coming in and proving his debt or other claim, shall be allowed to maintain any suit at law or in equity therefor, but shall be deemed thereby to have waived all right of action and suit against such bankrupt, and to have submitted to the validity of all and unsatisfied judgments already obtained thereon shall be deemed to be surrendered thereby; and in all cases where there are mutual debts or mutual credits between the parties, the balance only shall be deemed the true debt or claim between them, and the residue shall be deemed adjusted by the court; and proof of debts shall be made before the court decreeing the bankruptcy, or before some commissioners appointed by the court for that purpose; but such court shall have full power to set aside and disallow any debt, upon proof that such debt is founded in fraud, imposition, illegality or mistake; and corporations to whom any debts due may be proved thereby, by the president, cashier, treasurer or other officer, who may be specially appointed for that purpose; and in appointing commissioners to receive proof of debts, and perform other duties, under the provisions of this act, the said court shall appoint such persons as have their residence in the county in which the bankrupt lives.

Jurisdiction of the United States district court over all cases of bankruptcy—Rules of proceedings—Fees.

Sec. 6. *And be it further enacted*, That the district court of every State shall have jurisdiction in all matters and proceedings of bankruptcy arising under this act and any other act which may hereafter be passed on the subject of bankruptcy; the said jurisdiction to be exercised summarily, in the nature of summary proceedings in equity; and for this purpose the said district court shall be deemed always open. And the district judge may at any time or upon question arising in any case in bankruptcy, into the circuit court for the district, in his discretion, to be there heard and determined; and for this purpose the circuit court of such district shall also be deemed always open. And the jurisdiction hereby conferred on the district court shall extend to all claims and controversies in bankruptcy arising between the bankrupt and any creditor or creditors who shall claim any debt or demand under the bankruptcy; to all cases and controversies between such creditor or creditors and the assignee of the estate, whether in any case removed out of the district court, or between such assignee and the bankrupt, and to all acts, matters and things to be done under and in virtue of the bankruptcy, until the final distribution and settlement of the estate of the bankrupt and the close of the proceedings in bankruptcy. And the said court shall have full authority and jurisdiction to compel obedience to all orders and decrees of the court in bankruptcy, by process of contempt and other remedial process, to the same extent the circuit courts may now do in any suit pending therein in equity. And it shall be the duty of the district court in each and every case of proceedings in bankruptcy, to make rules of bankruptcy; which rules, regulations, and forms shall be subject to be altered, added, to, revised or annulled, by the circuit court of the same district, and other rules, and regulations, and forms substituted therefor; and in all such rules, regulations and orders, it shall be the duty of the court to make them as simple and brief as practicable, so to the end to avoid all unnecessary expenses, and to facilitate the use thereof by the public at large. And the said courts shall, from time to time, prescribe a tariff or table of fees and charges, to be taxed by the officers of the court, or other persons for services under this act, or any other on the subject of bank-

ruptcy; which fees shall be as low as practicable, with reference to the nature and character of such services.

Proceedings must be in the district where the bankrupt resides—Notice to creditors to show cause—Evidence under oath—Proof of debt—Trial awarded in case of dispute—Case of perjury punished.

Sec. 7. *And be it further enacted*, That all petitions by any bankrupt for the benefit of this act, and all petitions by a creditor against any bankrupt under this act, and all proceedings in the case to the close thereof, shall be had in the district court within and for the district in which the person supposed to be the bankrupt, or the creditor, or the holder of such business at the time when such petition is filed, except where otherwise provided in this act. And upon every such petition, notice thereof shall be published in or more public newspapers printed in such district, to be designated in such court, at least twenty days before the hearing thereof; and all persons interested may appear at the time and place where the hearing is thus to be had, and show cause, if they have, why the prayer of the said petitioner should not be granted; all evidence by witnesses to be used in all hearings before such court shall be under oath, and examination and cross-examination conscientiously scrupulous of taking an oath, and may be oral or by deposition, taken before such court, or before any commissioner appointed by such court, or before any disinterested state judge of the state in which the deposition is taken; and all proofs of debts or other claims by creditors, and all proofs of the same by this act, shall be under oath or solemn affirmation as aforesaid, before such court or commissioner appointed thereby, or before some disinterested state judge of the state where the creditors live, in such form as may be prescribed by the rules and regulations hereby provided to be made and established by the courts having jurisdiction in bankruptcy. But all such proofs of debts and other claims shall be open to contestation in the proper court having jurisdiction over the proceedings in the particular case in bankruptcy; and as well the assignee as the creditor shall have a right to a trial by jury upon any such debt or claim, and to have ascertained the validity and amount of such debts or other claims; and the result therein, unless a new trial shall be granted, if in favor of the claims, shall be evidence of the validity and amount of such debts and other claims. And if any person or persons, or any creditor or creditors, swear or affirm, in any hearing or trial, or in any matter, or in any proceeding in such court in bankruptcy, or before any commissioner, he or they shall be deemed guilty of perjury, and punishable therefor in the manner and to the extent provided by law for other cases.

Jurisdiction of the circuit court in cases against the assignee of a bankrupt—Limitation against such suit.

Sec. 8. *And be it further enacted*, That the circuit court within and for the district where the decree of bankruptcy is passed, shall have concurrent jurisdiction with the district court of the same district of all suits at law and in equity which may and shall be brought by any assignee of the bankrupt against any person or persons claiming an adverse interest, or by such person against such assignee, touching any property or rights of property of said bankrupt or assignee, or vested in such assignee, and no suit at law or in equity shall, in any case, be maintainable by or against such assignee, or by or against any person claiming an adverse interest, touching the property and rights of property aforesaid, in any court of record, unless the same shall be brought within two years after the declaration and decree of bankruptcy, or after the cause of suit shall first have accrued.

Suits of property—Disposition of proceeds—Bonds required of assignee.

Sec. 9. *And be it further enacted*, That all sales, transfers and other conveyance of the assignee, of the bankrupt's property and rights of property, shall be made at such times and in such manner as shall be ordered and appointed by the court in bankruptcy; and all assets received by the assignee in money shall, within sixty days afterwards, be paid into the court, subject to its order respecting its future safe keeping and disposition; and the court may require of such assignee a bond, with at least two sureties, in such sum as it may deem proper, conditioned that he shall be faithful in discharge of all his duties, and his compliance with the orders and directions of the court, which bond shall be taken in the name of the United States, and shall, if there be any breach thereof, be sued and sued under the order of such court, for the benefit of the creditors and other persons in interest.

Prompt proceedings directed—Dividends of assets at least every six months—Notice thereof required—Suits at law not to postpone dividends—Proceedings to be closed in ten years—Claims not proved in time.

Sec. 10. *And be it further enacted*, That in order to ensure a speedy settlement and close of the proceedings in each case in bankruptcy, it shall be the duty of the court to order and direct a collection of the assets, and a reduction of the same to money, and a distribution thereof, at as early periods as practicable consistent with a regard to the interests of the creditors; and a dividend and distribution of such assets as shall be collected and reduced to money, or so much thereof as can be safely so disposed of, consistently with the rights and interests of third persons having adverse claims thereto, shall be made among the creditors who have proved their debts, as often as once in six months from the time of the decree declaring the bankruptcy; notice of such dividends and distribution to be given in some newspaper or newspapers in the district, designated by the court, ten days at least before the order thereof is passed; and the pendency of any suit at law or in equity, by or against such third persons, shall not postpone such division and distribution, except so far as the assets may be necessary to satisfy the same; and all the proceedings in bankruptcy in each case shall, if practicable, be finally adjusted, settled and brought to a close, by the court, within two years after the decree declaring the bankruptcy. And no creditor or debtor shall not have proved his debt until a dividend or distribution shall have been made and declared, he shall be entitled to be paid the same amount, pro rata, out of the remaining dividends or distributions thereafter made, as the other creditors have already received, before the latter shall be entitled to any portion thereof.

Assignee may by order of court, redeem mortgaged or hypothecated property—Compound doubtful claims, &c.

Sec. 11. *And be it further enacted*, That the assignee shall have full authority, by and under the order and direction of the proper court in bankruptcy, to redeem and discharge any mortgage or other pledge, or deposit, or lien upon any property, real or personal, whether payable in present or at a future day, and to tender a due performance of the conditions thereof. And such assignee shall also have authority, by and under the order of the court in bankruptcy, to compound any debts, or other claims and securities, due or belonging to the estate of the bankrupt; but no such order or direction shall be made until notice of the application is given in some public newspaper in the district, to be designated by the court, ten days before the hearing, so that all creditors and other persons in interest may appear and show cause, if any they have, at the hearing, why the order or direction should not be passed.

A person once discharged, excepted from the benefit of another discharge—Unless, &c.

Sec. 12. *And be it further enacted*, That if any person who shall have been discharged under this act shall afterwards become bankrupt, he shall not again be entitled to a discharge under this act, unless his estate shall produce (after all charges), sufficient to pay such person a security-five per cent. on the amount of the debt which shall have been allowed to each creditor.

Proceedings to be recorded—Office copy—Fees.

Sec. 13. *And be it further enacted*, That the proceedings in all cases in bankruptcy shall be deemed matters of record; but that the same shall not be required to be recorded at large, but shall be carefully filed, kept and numbered in the office of the court, and a docket only or security-five per cent. on the amount of the debt which shall have been allowed to each creditor, with the numbers, kept in a book by the clerk of the court; and the clerk of the court, for affixing his name and the seal of the court to any form, or certifying a copy thereof, when required thereto, shall be entitled to receive, as compensation, the sum of twenty cents for every security-five per cent. of the court, or commissioner, shall be allowed by the court more than one dollar for taking the proof of any debt or claim of any creditor or other person against the estate of the bankrupt; but he may be allowed, in addition, his actual travel expenses for that purpose.

Regulations in relation to partnerships.

Sec. 14. *And be it further enacted*, That where two or more persons, who are partners in trade, become bankrupt, an order may be made in the manner provided in this act, either on the petition of such partners, or any one of them, or on the petition of any creditor of the partners; upon which order all the joint stock and property of the company, and also all of the separate estate of each of the partners,

shall be taken, excepting such parts thereof as are hereto excepted: That all the creditors of the company, and the separate creditors of each partner, shall be allowed to prove their respective debts; and the assignees shall also keep separate accounts of the joint stock or property of the company, and of the separate estate of each member thereof; and after deducting out of the whole amount received by the assignees, the whole of the expenses and disbursements paid by them, the nett proceeds of the joint stock shall be appropriated to pay the creditors of the company, and the nett proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors; and there shall be in any balance of the separate estate of any partner, after the payment of his separate debts, such balance shall be allowed to the joint stock, for the payment of the joint creditors; and if there shall be any balance of the joint stock, after payment of the joint debts, such balance shall be divided and appropriated to, and among the separate estate of the several partners, according to their respective rights and interests therein, and as it would have been if the partnership had been dissolved without any bankruptcy; and the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts; and the certificate of such debts shall be granted or refused to each partner, as the same would or ought to be if the proceedings had been against him alone under this act; and in all other respects the proceedings against partners shall be conducted in the like manner as if they had been commenced and prosecuted against one person alone.

Decree of bankruptcy and copy of order of appointments of assignees to be recited in all deeds for land sold by assignees—Such deeds confirmed.

Sec. 15. *And be it further enacted*, That a copy of any decree of bankruptcy, and the appointment of assignees, as directed by the third section of this act, shall be recited in every deed of lands belonging to the bankrupt, sold and conveyed by any assignees under and by virtue of this act; and that such recital, together with a certified copy of such order, shall be full and complete evidence both of the bankruptcy and assignment therein recited, and supersede the need of any other proof of such bankruptcy and assignment to validate the said deed; and all deeds containing such recital, and supported by such proof, shall be as effectual to pass the title of the bankrupt or of, and to the lands therein mentioned and described to the purchaser, as fully, to all intents and purposes, as if made by the bankrupt himself immediately before such order.

District of Columbia and territory ceded.

Sec. 16. *And be it further enacted*, That all jurisdiction and authority conferred upon and vested in the district court of the United States by this act, in cases of bankruptcy, are hereby conferred upon and vested in the circuit court of the United States for the District of Columbia, and in and upon the supreme or superior courts of any of the territories of the United States, in cases of bankruptcy, where the bankrupt resides in the said District of Columbia or in either of the said territories.

This act to take effect 1st February, 1842.

Sec. 17. *And be it further enacted*, That this act shall take effect from and after the first day of February next.

JOHN WHITE,

Speaker of the house of representatives.

SAM'L. L. SOUTHWARD,

President of the senate pro tempore.

Approved, August 19, 1841.

JOHN TYLER.

DEBATE ON THE VETO.

SPEECH OF MR. RIVES, OF VIRGINIA.

On the Executive message containing the president's objection to the bank bill.

IN SENATE UNITED STATES, AUGUST 19, 1841.

Mr. RIVES, said he was prepared to give a silent vote on the bill, and he would have contented himself with doing so, but for the observations which had fallen from the senator from Kentucky in respect to the conduct of the president of the United States. Mr. R. had hoped the senator would have confined himself strictly to the merits of the question before the senate. He told us, said Mr. R., that the question was this: whether the president having returned the bill for a fiscal bank with his exceptions thereto, the bill was such as one as ought to pass by the constitutional majority of two-thirds, and thus become a law of the land. Now, what was the reason before the senate was not to vote on the naked question between the bill and the objections to it, as

compared with each other? I had really hoped that the honorable senator, after announcing to us the issue in this very proper manner, would have confined his observations to it alone; and, if he had done so, I should not have troubled the senate with a single word.

But what has been the course of the honorable senator? I do not reproach him with it; he, no doubt, is entitled to the privilege to vindicate his own position before the country, to inculcate the course which I should not have troubled the senate with a single word. But what has been the course of the honorable senator? I do not reproach him with it; he, no doubt, is entitled to the privilege to vindicate his own position before the country, to inculcate the course which I should not have troubled the senate with a single word. But what has been the course of the honorable senator? I do not reproach him with it; he, no doubt, is entitled to the privilege to vindicate his own position before the country, to inculcate the course which I should not have troubled the senate with a single word.

The senator begins with the violation, by the president, of the pledge given in his inaugural address. Now, I must say, with all due deference, that the view taken by the honorable senator is altogether unavailing. I have already proved this, received, wherever I had any opportunity of hearing the expressions of public opinion, a very different construction. The president told the nation that he would give his sanction "to any constitutional measure," which might be devised by congress for the relief of the country on the subject of the currency. He does not say any measure, but to any "constitutional" measure. Why insert the word "constitutional," if he did not intend to qualify, in an important sense, the pledge given? But the senator finds, in the next clause of the inaugural address, an explanation of the sense in which the word "constitutional" is here to be understood, viz: that it should be governed by the sage views of the fathers of the republican school, and by the light of their ever-glorious example." The senator, in his commentary on this clause, seems to have stricken out, as significant and expressive, a portion of it as any other part, viz: that the president should be guided by "the sage views," as well as the ever-glorious example of the republican fathers to whom he alludes. What were these sage views, as expressed in the purest days of the republic? The sage views of Mr. Madison in 1791—the unvarying opinions and consistent conduct of the fathers of the republic—the "sage views" delivered by these fathers in their example. And, on this point, I could not but remember what (if I have not been misinformed) was the fact, viz: that the honorable senator himself stood in a relation of particular privacy to a memorandum of another of the "fathers of the republican school," who has since his decease been the agent of a renewal of the bank charter. Was there nothing in the sage views and examples to instruct the president, in addition to the convictions of his own judgment. Who is the individual that by universal consent, is recognised as the founder of what the president alludes to as "the republican school," viz: Thomas Jefferson. For, however I concur with the senator from Kentucky in paying all homage to the unrivalled virtues and ever-glorious public services of George Washington, I must be permitted to say that he has not generally been considered as belonging to that "republican" party to which the president alludes.

We are told, however, of the example of Mr. Madison, which, it is said, President Tyler must have had particularly in mind when he penned this passage. I have already adverted to Mr. Madison's views in relation to a national bank in 1791, views which were not retracted by him till 1815; but the senator tells us the president referred to his conduct in relation to the signature of the bill for the second bank of the United States, as that example by which he was himself to be governed. How does that example apply to the present case? Look at the letter written by Mr. Madison to Mr. Ingersoll in explanation of that act, and let any candid man who is not the declared enemy of the constitution, tell us if he is not fairly to be drawn from it. It is this: that Mr. Madison had changed his opinion. Not that he still believed a bank unconstitutional, and so believing, and signed the bill; but that his opinion as to its unconstitutionality had undergone a change; for, in the very first paragraph of that letter, he says that he considered "the constitutionality of the bank as assumed by the considerations," which he proceeds to detail. I refer the senator to the letter itself. But that is not all. Before we condemn President Tyler, under existing circumstances, for putting his negative on what he believes to be against the constitution, he has sworn to support, let those circumstances which he supposes to exist, be what they will, under which Mr. Madison acted. In the letter to Mr. Ingersoll, Mr. Madison says the obligatory force of precedents in interpreting the constitution depends, among other things "on the prospect which there may be of a change of construction by the public or its agents." The constitutionality of a bank

had, at the time of Mr. Madison's action upon it, been annually recognised, as he says, for twenty years successively—the whole nation had acquiesced in it; it was the prospect of any change in it, I yield to no one in profound respect for the principles and character of Mr. Madison, and I have ever been disposed to make every allowance for the course he felt it his duty to pursue. Let me read a sentence or two from his letter to Mr. Ingersoll.

"The act establishing a bank of the United States," says he, "had been carried into execution, throughout a period of twenty years, with annual legislative recognitions—in one instance, indeed, with the positive ratification of it into a new state, with the entire acquiescence of all the local authorities, as well as the nation at large, and which could not be added a decreasing prospect of any change in the public opinion adverse to the constitutionality of such an institution."

Now, will any man pretend to assert that the same circumstances exist now? Has there been an annual recognition of the constitutionality of the bank for the last twenty years? Do the local authorities everywhere acquiesce in it? And is the opinion in favor of the constitutionality of a national bank so universal and so confirmed that there is no prospect of any respectable body of public opinion being arrayed against it? No. To say that all this is true, if the nation are arrayed against the constitutionality and its expediency; the local authorities in several quarters are in open arms of remonstrance and threatened resistance against it. So far from there being no prospect of any change by the public or its agents, the contrary view has affirmed on the constitutionality of a national bank, that construction has already, to a great extent, been reversed. These are the circumstances under which President Tyler had to decide on his course of action—circumstances, in every feature, strikingly contrasted with the circumstances of Mr. Madison's time. Therefore I say that if, in his inaugural address, he had in view the example of Mr. Madison, referred to by the senator from Kentucky, it formed no rule by which he was bound to surrender his solemn convictions as to the unconstitutionality of the bank.

But the senator from Kentucky has told us that Mr. Jefferson, in various ways, recognized the constitutionality of a national bank; and, in illustration of this position, he has referred to a number of authorities. I know not of any other authority, which I must say is but little in consonance with Mr. Jefferson's life and opinions. It represents him, who never shrunk from any responsibility, as willing to slink back under the fraudulent and ignominious shelter of a perversion of the words of the constitution, to screen himself from the duty of asserting those glorious principles which had been the ornament of a long life. Until the positive testimony of a responsible and unimpeachable witness to the fact itself shall be produced, I never can yield any belief to his being willing to do this. I have no objection to a declaration of the constitutionality of the bank, and the occasion for his doing so? He was to go out of office in the month of March, 1809, and the bank charter would not expire till 1811; and the record will show that, after that time, he renewed repeatedly, and in the most solemn form, the expression of his liability to resign an institution. I do not mean to cast the slightest imputation on the statement of the honorable senator himself, so far as any knowledge of his own is concerned; but an anecdote of such a character, coming to him at second or third hand, and contradicted by the whole public life of Mr. Jefferson, he will pardon me for not believing, and I must deem it eminently apocryphal. But the senator permitted himself to refer to two public official acts of Mr. Jefferson, after his own refusal, many years ago, of the argument deduced from them; I mean his signing a bill to establish a branch of the bank at New Orleans, and a bill to amend the constitutionality of the bills of the bank. Can I do better, in reply to this argument, than quote to the senator his own language? I know, indeed, his reluctance to have that speech referred to. [Mr. CLAY. Not at all; not at all.] I remember the signal vengeance with which one of the senators was visited for having dared to quote it, and therefore felt some delicacy in referring to it myself.

In the able and eloquent speech made by the honorable senator against the constitutionality of a national bank, in 1811, he used the following language:

"Gentlemen contend that the construction which they give to the constitution has been sustained by all past administrations; and they rely particularly on an act which passed in 1804 for extending a branch to New Orleans, and another act of 1807 for punishing those who should forge or utter forged paper of the bank. With regard to the first law, passed no doubt upon the recommendation of the treasury department, I would remark that it was

the extension of a branch to a *territory*, over which congress possesses power of legislation almost uncontrolled, and where, without any constitutional impediment, charters of *incorporation* may be granted."

"There is the answer—the triumphant, the conclusive answer. That branch was to be established in a *territory*, where the constitution expressly gives to congress a general discretionary legislative authority. The bill, on the contrary, contemplated the establishment of branches within the limits of sovereign states, in regard to which congress has none but specific powers, formally enumerated and defined. As to the other bill, to punish counterfeiters of the bank paper, what did the honorable senator also tell us in 1811? This was the veto."

"As to the other act, it was passed no less for the benefit of the community than the bank—to protect the ignorant and unwary from counterfeit paper, purporting to have been emitted by the bank. When gentlemen are claiming the advantage supposed to be derivable from acquiescence, let me inquire what they would have had those to have done who believed the establishment of the bank an encroachment upon state rights? Were they to have resisted, and how? By force?"

"The honorable senator then proceeds to bear the following testimony, as an actor in the scene, to the principles upon which both of those laws were passed:

"The acts of 1804 and 1807, relied on as pledges for rechartering this company, passed not only without any discussion whatever of the constitutional principle of congress to establish a bank, but I venture to say, without a single member having had the attention drawn to this question. I had the honor of a seat in the senate when the latter law passed, and probably voted for it; and I declare with the utmost sincerity, that I never once thought of that point, and appear confident to every honorable member who will be present to that that was not the case."

"The senator himself thus furnishes the true explanation of the considerations on which those acts were passed—an explanation the benefit of which he must in justice extend to Mr. Jefferson, while he claims it for himself, and so has disposed of his own argument."

"I had the honor of President Tyler had respect either to the "safe views" or the "unfavorable example" of the "fathers of the great republican school," he never could have brought his mind to the conclusion that he was in duty bound to give his official sanction and approval to such a bill as we sent him."

"I beg leave to refer the honorable senator from Kentucky to another passage in the inaugural address of President Tyler, which he seems to have wholly overlooked, and which plainly intimates, as it appears to me, the determination of the president to make the *constitution*, in his own conscientious interpretation of it, the sole rule of his conduct. In the opening of that address he makes the following impressive reference to the solemn obligation he had taken upon himself in assuming the office of chief magistrate: "My earnest prayer," says he, "shall be to carry out understandingly the principles of that constitution which I have sworn to 'protect, preserve and defend.'" Why this emphatic reference to the constitution of his country, in connection with the solemn sanction of his oath of office. If he did not intend to make it, under all circumstances, the primary and unending rule of his official conduct? In the closing part of the same address he repeats, in the following language, a just admonition against the exercise of any power not clearly granted by the constitution.

"Those (said he) who are charged with the administration of the government, should carefully abstain from all attempts to enlarge the range of powers thus granted to the several departments, other than by an *express* to the *people* of additional *grants*, lest by so doing they disturb that balance which the patriots and statesmen, who framed the constitution, designed to establish between the federal government and the states composing the union."

"In this language like this upon his lips, and sentiments such as these in his heart, the president could not be justly expected to sign a bill which by his conscience he believed, and had so repeatedly and solemnly declared, to be contrary to the constitution of his country."

"We then, then, nothing in the opinions of the fathers and founders of the republican school to induce President Tyler, in a course of nearly thirty years of that school for twenty-five years past, and in which he had over and over expressed his conviction of the unconstitutionality of a bank of the United States, to take that opinion, what course but that which he has pursued was due to him when the bill for such a bank was presented for his signature?"

"The senator from Kentucky tells us that the opinion of the individual nominated, by the patriotic

and enlightened convention which assembled at Harrisburg, as a candidate for the vice presidency, on this great and important subject, were but little thought of."

"[MR. CLAY. The senator has stated this very differently from the manner in which I stated the fact. What I said was, that the president thought his opinions more extensively known, than they actually are, and that the less consequence was attached to them where they were known, because he was the candidate for the second office only.]

"I acquiesce in the senator's explanation. But was not this a most extraordinary state of things? And did it not, if it were so, bespeak on the part of that convention a signal instance of recklessness and want of common sense? The party he says he represented on the one great object of an old fashioned bank of the United States, and they knew that a bill chartering such a bank might be dependent for its fate on the casting vote of the vice president in this body, (as it was when it was negatived by the potent vote of General Clay.) And yet they would have evinced a most extraordinary want of foresight, when such issues were depending, to select a candidate for that chair without the most careful inquiry into his constitutional opinions. Was John Tyler so insignificant a character that they knew nothing of his political history? What is the man, whether member or spectator, within these walls, to whom his political principles and character were not more or less familiar? If there is any one thing which has distinguished him above all other traits in his character, it is his unflinching adherence to the school of strict construction and state rights. Who can forget when he stood proudly on this floor as a minority of one (on the occasion of the revenue collection bill in 1833), in vindication of what he deemed a vital doctrine of that school?"

"Who was ignorant of the part which had been assigned him by the senate, as a well known but honorable and high minded opponent of the Bank of the United States on constitutional grounds, to conduct an investigation of the proceedings and affairs of that institution? One would think that if gentlemen acted under a due sense of their responsibility to a great and patriotic party, and if they attached to the establishment of the bank, the establishment of a national bank, they would of course take the most careful consideration of the qualifications of the candidate for the vice presidency on whose decision they could rely. How was it in regard to General Harrison himself, the candidate selected for the presidency? Was he a bank man? Was he identified with a national bank? Not at all. He, on the contrary, expressly disclaimed such an imputation as a political slander, and defied those who made it to the proof. If that had been the true issue at Harrisburg, all will concur with me when I say (and it gives me pleasure to pay a merited tribute to the high character of the gentleman from Kentucky) that he himself could not have been thought of as the candidate for the presidency. On the contrary, it was because his party were unwilling to make that the issue before the people in the presidential election, that the honorable and distinguished senator from Kentucky did not obtain that honorable position, and was reversed, as the reward of a life devoted to what he considered the interest and glory of his country. But the issue was avowed as hazardous."

"Let me go a little more into detail as to the opinions of General Harrison. What was his course in the other house of congress, in 1819, when he and President Tyler were gallant coopers in the first veto of the constitution of the United States? I went even further than the president did in his opposition to the bank. John Tyler, in conformity with those conservative principles (I use the term in its broad and general sense) which form a part of the political education of every Virginian, was unwilling to relinquish his solid character, once acquired, and General Harrison, brought up as he had been in the United States and free school of the west, was for a summary act, annulling the charter of the bank. To this vote he himself referred, as showing that he was no "bank" or "federal" candidate (to use his own words) for the presidential office. In 1821, in a published address to the people of his district, he openly and distinctly avowed his opposition to a bank. He then proclaimed himself to be a disciple of the republican school of 1798, and explicitly declared his opinion that the Bank of the United States had been established in violation to the constitution of the United States. In his letter of 1836 to Mr. Sherman, Williams, a distinguished member of congress from the senator's own state, he said he would not give his sanction to a bank of the United States, unless, by the failure of all other expedients, it should be deemed necessary to carry on the operations of government, and unless there were a general and unequivocal manifestation of the will of the na-

tion in favor of such an institution; and then only as a *fiat*, and not as a *commercial* bank."

"I am reluctant, Mr. President, to refer to any thing that I may have said or done in the common course during the late contest, but I may be permitted to say that I, for one, with an honest conviction of the truth of the statement, and founding myself upon authentic declarations of General Harrison himself, did, in a published address to my fellow citizens, represent his opinions as the only sound and judiciously adopted of a bank of the United States. Certain it is that hundreds and thousands of our countrymen voted for him without the least reference to a bank. The issue of bank or no banks was not made in the presidential election. In the mind of the honorable senator, no doubt, it was a prominent issue; but it was an issue his friends were not prepared to propose to the country. General Harrison, in the latest expression of his opinions in the presidential canvass, (in his Dayton speech,) said that there was no grant in the constitution of power to create a national bank, and that could never be constitutional save in the event that the powers granted to congress could not be carried into effect without such an institution." That *dura necessitas* must be clearly shown, or the power to charter a bank did not exist. Yet we are now told that John Tyler, by accepting the nomination of the convention as their candidate for the presidency, is president of the United States, and that a national bank had been fully and lawfully organized, and were borne on the most familiar records of the national history, incurred an unequalled obligation to sign a bill for a bank of the United States in the contingency which has made him, in the place of the lamented Harrison, president of the United States."

"I am firm in the belief, Mr. President, and I trust, that if General Harrison were now living, and in the same circumstances that surround President Tyler, he would, like him, never yield his sanction to the establishment of branches of such a corporation as this bill proposes within the limits of the several states, without their free and unshackled assent. In his letter to Sherman, Williams, (adopting the language of Gen. Jackson on a similar occasion) that he believed a "bank of the United States, competent to all the duties which may be required by the government, might be so organized as not to infringe on our delegated powers or the reserved rights of the states." I am confident, Mr. President, that if the honorable senator from Kentucky, I may be permitted to allude to a passage of the secret political history of the times, I will state that I have been informed that the *assent of the states* to branches within their limits was a favorite and fundamental idea with him in the organization of such an institution. This information, at least, has been communicated to me by gentlemen who stood in relations of the most intimate confidence with Gen. Harrison, one of whom was a member of the committee who came to this city to perform the melancholy duty of attending the remains of the late president to their final resting place at North Bend."

"I think it abundantly demonstrated that there was no such issue as bank or no bank presented to the nation in the late presidential election. And even if it was otherwise, the well-known opinions of Mr. Tyler as candidate for the vice presidency being not only not unavowed, but, on the contrary, reaffirmed, he at least was not to be supposed to have believed, to give his sanction to an institution so completely and so manifestly unconstitutional. The question has been raised here whether he will sanction any organization in the nature of a bank to conduct the fiscal affairs of the government? I have no means of information on this subject which are not common to other gentlemen. From the terms of the senator's message I collect that, if some fiscal agency can be organized which, while its primary object is to conduct the financial operations of the government, would incidentally aid in regulating the exchanges and currency of the country, without infringing on the sovereignty and reserved powers of the states, would deem such an institution legitimate and constitutional. Such an institution, I infer from the message, would, in his view, be a different thing from the former money lending, trading, speculating, stock jobbing bank of the United States, ruling and riding over the independent rights of the states."

"The senator from Kentucky inferred from the message, that President Tyler would not have sanctioned the bill had it been in a modified and restricted form, so as even to require the assent of the states. He felt very sure, however, and he intended to say so, that he would not have sanctioned it, if he mistook any thing he had said. He did not say what the president would or would not do with regard to a bank limited to the mere power of dealing in exchange. He had thought that, in respect to such a bank, he would not have required the previous assent of the states, as the senator now said he would. But

considered as casting the slightest censure on that venerable and venerated nation.

I beg leave to be indulged with a word or two as to the course it now devolves upon us to take. The senator from Kentucky says he hopes we shall go on and perfect a new bank bill. While I avow myself willing, if such a bill shall be presented as my judge, and my right and duty support, I would not be permitted to say that, in my opinion, we shall better consult our duty to the country and the subject if we do not attempt a second bill at this time. It is a great, a difficult, a complex question. It is a question on which the country is entitled to decide, probably not on any other expedient as to the form which a bank shall assume. I may conclude, if you please, that there is a majority in the country in favor of a fiscal institution of some kind, and which shall render some incidental assistance to the currency and the exchanges of the country; yet, as the form of the institution, its powers, its capital and all its details, men are more divided in opinion than about any thing else. No project has yet received the support of a majority either of congress or of the people. The presses even which support the honorable senator do themselves now say of his bill that it would have been imprudent and its loss is calamity to the country. Shall we, then, when we are all worn out, in mind and body, by our unnatural labors in these dogdays, be called upon to make yet another disastrous experiment? I say to this side of the house, and I would say to the other side, (I will not be permitted to say without treason,) that, (I partly) shall, at this moment, with all the evidences of extensive dissidence as to such a measure before us, rush on blindfold, and in triple haste seek to get up another crude scheme for the finances of the country? I would respectfully say, no. If prudence is to be the thing, let us do nothing. Let us say again, no. Mr. Gallatin, in his late admirable pamphlet on the currency, says, most truly, that a bank of the U. States, from its intrinsic unpopularity and liability to abuse, is a subject which, above all others ought to be acted on "with great caution and the deliberation." Mr. Appleton, too, tells us, when no man has evinced a greater acquaintance with the whole subject, tells us that "the establishment of a bank of the United States is the last thing to be done in haste, or as a mere party measure." I never will agree to act upon any measures touching the great subject of the currency, until we have taken time. We are entitled to the joint wisdom of the whole people, and every part of them, in adjusting this great common interest. Let us, then, for the present pass the subject by. One bill has been rejected by the president, and has failed to command the approbation of a majority of either house of congress. Many whigs are to my certain knowledge, at this moment heartily rejoicing in the defeat of that measure. I have in my pocket a letter from an eminent whig financier congratulating the country on the loss of the bill. We have done much in repealing the sut-treasury.

We have thus taken an obstacle out of the way of the resumption of specie payments; for it has been most truly said that that system wreathed its vengeance only on specie paying banks, while to those which did not pay specie its requirement of bullion was a matter of indifference. Where is the gentleman who will say that the incorporation of a national bank will, for the time, operate as an obstacle to resumption? On that point, I refer gentlemen again to the able pamphlet of Mr. Appleton. I would prefer, indeed, that some temporary act be passed limiting the discretion now left to the executive in relation to the custody and management of the treasury. But I cannot enter into that question, let the question be adjourned—let us take time for deliberation—for reflection—for comparison of views. Let us call in the aid of practical men. Let us not attempt to arrange in haste the details of such an institution on mere theoretical or party principles; but let us get up with us a system of deliberation, a system which will stand the test of scrutiny. Let us be worthy of the administration and the country. All previous systems have been rejected and condemned—the old treasury—the pet banks—the old-fashioned bank of the United States—a new-fashioned fiscal agent—let all parties to lay down their arms. All previous systems have been rejected and condemned—appealing emphatically to the country. Let us say as this question is concerned, a complete *tabula rasa*—let us begin again. Let us be true to our professions on the altar of the country, and to unite in an honest and patriotic effort to build up a permanent system for the common good.

MR. CLAY'S REJOINER.

Mr. CLAY rose to rejoiner. I have no desire, said he, to prolong this unpleasant discussion; but I must say that I heard with great surprise and regret the closing remark especially of the honorable gentleman from Virginia, as, indeed, I did many of those which

preceded it. That gentleman stands in a peculiar situation. I found him several years since in the *languish hour*, where he seems afraid to remain, and from which he is yet unwilling to go. I had thought, after the thorough riddling which the roof of the house had received in the breaking up of the pet bank system, he would have fled some where else for refuge; but he has remained in the same place, and has been pelted by the pitiless storm. The sub-treasury is repealed—the pet bank system is abandoned—the United States bank bill is vetoed—and now, when there is as complete and perfect a re-union of the purse and the sword in the hands of the executive as there was under General Jackson or Mr. Van Buren, the senator is for doing nothing! The senator is for going home, leaving the treasury and the country in their lawless condition! Yet no man has heretofore, more than he has, deplored and deprecated a state of things so utterly unsafe and repugnant to all just precautions, implicitly asking for sound theory and experience in free governments. And the senator talks to us about applying to the wisdom of practical men, in respect to banking, and advises further deliberation! Why I should suppose that we are at present in the very best situation to act upon the subject, and that the hands of the country had for a long time, we have been nearly three months almost exclusively engrossed with the very subject itself. We have heard all manner of facts, statements, and arguments in any way connected with it. We understand, it seems to me, all we ever can learn about the subject, and we are enabled, as I suppose, at least, some conception too of what sort of one will be acceptable at the other end of the avenue. Yet now, with a vast majority of the people of the entire country crying out to us for a bank—with the people throughout the whole valley of the Mississippi rising in their majesty, and demanding, as it is called, the right to have a bank, and to have it on such terms, their sacrifices, and their sufferings for the want of such an institution—in such a state of things, we are gravely and coldly told by the honorable senator from Virginia, that we had best go home, leaving the purse and the sword in the uncontrolled possession of the president, and above all things, never to make a party bank! Why, sir, does he, with all his knowledge of the conflicting opinions which prevail here, and have prevailed, believe that we ever can make a bank but by the votes of one party who are in favor of it, in opposition to the votes of another party who are against it? I would like to hear the senator from that gentleman the more, because although the honorable senator professes not to know the opinions of the president, it certainly does turn out in the sequel that there is a most remarkable coincidence between those opinions and his own; and he has, on the present occasion, defended the motion and the course of the president with all the solicitation and the fervent zeal of a member of his party congress. [A laugh.] There is a rumor abroad that a *cabinet* exists—a new sort of kitchen cabinet—whose object is the dissolution of the regular cabinet—the dissolution of the whig party—the dispersion of congress, without accomplishing any of the great purposes of the extra session—and a total change, in fact, in the whole face of our political affairs. I hope, and I persuade myself, that the honorable senator is not, cannot be, one of the component members of such a cabinet; but I must say that I have been displeased by the honorable senator's way, as I have by the way of an inexplicable, and mischievous almost all of us have said, and a perseverance, after repeated corrections, in misunderstanding—for I will not charge him with wilfully and intentionally misrepresenting—the whole spirit and character of the address which as a man of honor and an orator, I felt myself bound to make to this body.

The senator begins with saying that I charge the president with "perfidy!" Did I use any such language? I appeal to every gentleman who heard me say what I believe I have in a single instance gone beyond a fair and legitimate examination of the executive objections to the bill. Yet he has charged me with "perfidy," and with "misrepresentation." All various counts, and with imputing to him motives such I have never intimated or dreamed, and that, when I was constantly expressing, over and over, my personal respect and regard for President Tyler, for whom I have cherished an intimate personal friendship of twenty years, and for which I express a satisfaction that that friendship should not be interrupted, it should not be why! Why, sir, what possible, what conceivable motive can I have to quarrel with the president, or to break up the whig party? What earthly motive can impel me to wish for any other result than that that party should be so united, so bold, and united forward to the accomplishment of the all-important public objects which it has avowed to be its aim? What imaginable interest or feeling

can I have other than the success, the triumph, the glory of the whig party? But that there may be designs and purposes on the part of certain individuals to place me in inimical relations with the president, and to represent me as personally opposed to him, I can well imagine—individuals who are beating up for recruits, and endeavoring to form a party, and who are so ignorant and so ignorant as to be insufficient to compose a decent corporal's guard. I fear there are such individuals, though I do not charge the senator as being himself one of them. What a spectacle has been presented to this nation during this entire session of congress! That of the clerical and confidential friends of John Tyler, persons who boast and claim to be *per cunctas*, his exclusive and genuine friends, being the bitter, systematic, determined, uncompromising opponents of every leading measure of John Tyler's administration! Was there ever before such an example presented in the case of any other man in this or any other country? I have myself known the president too long, and cherish towards him too sincere a friendship, to allow my feelings to be affected or alienated by anything which has passed here to-day. If the president chooses—which I am sure he cannot, unless falsehood in this case inspired into him, fear or poison poured into his head, and which I have no doubt he will deeply regret it, for the sake of our common friendship and our common country. I now repeat what I before said, that, of all the measures of relief which the American people have called upon us to take, that of the re-union of the purse and the sword, and the uniformity of the currency has been the most loudly and impudently demanded. The senator says that the question of a bank was not the issue made before the people at the late election. I can say, for one, my own conviction is diametrically the contrary. What may have been the character of the canvass in Virginia, I will not say; but, I say, that the people of that State, where, governed in some degree by considerations of local policy. What issues may therefore have been presented to the people of Virginia, either above or below tide-water, I am not prepared to say. The great error, however, of the honorable senator is in thinking that the sentiments of a particular part of Virginia are always a fair representation of the sentiments of the whole Union. [A laugh.] I can tell that senator that wherever I was—in the great valley of the Mississippi—in Kentucky—in Tennessee—in Maryland—in all the circles in which I moved, every where, the bank of the United States was the great, the leading, the vital question. I have, on every tour, during the last summer, at one of the most remarkable and respectable and gratifying assemblages that I ever attended, I distinctly announced my conviction that a bank of the United States was indispensable. As to the opinion of General Harrison, I know that, like many of us, he had conceived doubts as to the constitutionality of a bank; but I also know that, as the election approached, his opinion turned more and more in favor of a national bank; and I speak from my own personal knowledge of his opinions when I say that I have no more doubt he would have signed that bill than that you, Mr. President, now occupy that chair, or that I am addressing you.

I rose not to say one word which should wound the feelings of President Tyler. The senator says that, if placed in like circumstances, I would have been the last man to avoid putting a direct veto upon the bill, had it met my disapprobation; and he does me the honor to attribute to me high qualities of "stern and unbending uniformity of habits," and to a quality that relates to personal friendship—all that concerns a just appreciation of the insignificance of human life—whatever may be attempted to threaten or alarm a soul not easily swayed by opposition, or awed or intimidated by menace—a stout heart and a steady eye that can survey the human race, and, notwithstanding many mere personal perils that assail this poor transient, perishing frame, I may, without disparagement, compare with other men. But there is a sort of courage which, I frankly confess it, I do not possess—a boldness to which I dare not aspire—a valor which I cannot claim, and which I have myself down in the way of the welfare and happiness of my country. That I cannot, I have not the courage to do. I cannot interpose the power with which I may be invested—a power conferred not for my personal benefit, nor for my aggrandizement, but for my country's good—to check her onward march to greatness and glory. I have not the courage to do that. I would not, I dare not, in the exercise of such a trust, lie down, and place my body across the path that leads my country to prosperity and happiness. This is a sort of courage widely different from that which a man may display in his private conduct and in his private life. The courage of a soldier is totally distinct from that higher and nobler courage which prompts the patriot to offer himself a voluntary sacrifice to his country's good.

Nor did I say, as the senator represents, that the president should have resigned. I intimated no personal wish or desire that he should resign. I referred to the fact of a memorable resignation in his public life. And what I did say was, that there were other alternatives before him besides vetoing the bill, and that it was worthy of his consideration whether consistency did not require that the example which he set by when he had consistently vetoed a measure should not be followed when he had a consistency commensurate with the whole union. Another alternative was to suffer the bill, without his signature, to pass into a law under the provisions of the constitution. And I must confess I see, in this, no such escape by the back-door as such jumping out of the window, as the senator talks about. Apprehensions of the imputation of the want of firmness sometimes impel us to perform rash and inconsiderate acts. It is the greatest courage to be able to bear the imputation of the want of courage. But pride, vanity, egotism, so unamiable and so injurious to private life, are vices which partake of the character of crimes in the conduct of public affairs. The unfortunate victim of these passions cannot see beyond the little, petty, contemptible circle of his own personal interests. All his thoughts are withdrawn from his country, and concentrated on his vanity, his rancor, his selfishness. The high, the exalted, the sublime emotions of a patriotism, which, soaring towards Heaven, rises far above all mean, low or selfish things, and is absorbed by one soul-transfusing thought of the good and the glory of one's country, never fall to his unbecomingly bosom. That patriotism which, catching its inspirations from the immortal God, and leaving an immeasurable distance below all lesser, grovelling, personal interests and feelings, animates and prompts to deeds of self-sacrifice, of valor, of devotion and of death itself—that is public virtue—that is the noblest, the sublimest of all public virtues.

I said nothing of any obligation on the part of the president to conform his judgment of the opinions of the senate and house of representatives, although the senator argued as if I had, and persevered in so arguing, after repeated corrections. I said no such thing as to know the names of the members of each department, acting within its proper sphere, of other departments. But I referred to the majorities in the two houses of congress as further and strong evidence of the opinion of the people of the United States in favor of the establishment of a bank and in favor of the maintenance of the doctrine of instructions which were proclaimed in Virginia, and of which the president is a disciple, and, in pursuance of the example already cited, he ought not to have rejected the bill.

I have heard that, on his arrival at the seat of the general government to enter upon the duties of the office of vice president, in March last, he was interrogated how far he meant to conform in his new station, to certain peculiar opinions which were held in Virginia, he made this patriotic and noble reply: "I am vice president of the United States, and not of the state of Virginia; and I shall be governed by the wishes and opinions of my constituents." When I heard of this encouraging satisfactory reply, believing, as I most religiously do, that a large majority of the people of the United States are in favor of a national bank, (and gentlemen may shut their eyes to the fact, deny or dispute, or reason it away as they please, but it is my conscientious conviction that the two-thirds, if not the three-fourths, of the United States desire such an institution,) I thought I held a sure and certain guaranty for the fulfillment of the wishes of the people of the United States. I thought it impossible that the wants and wishes of a great people, who had bestowed such unbounded and generous confidence and confidence in him, such exalted honors, should be disregarded and disappointed. It did not enter into my imagination to conceive that one, who had shown so much deference and respect to the presumed sentiments of a single state, should display less towards the sentiments of the whole nation.

Mr. Clay said, that, in performing the painful duty which had devolved on me, I have not transgressed the limits of legitimate debate. I repeat, in all truth and sincerity, the assurance to the senate and to the country, that nothing but a stern, reluctant, and indispensable sense of honor and of duty have led me forward to the discharge of this painful duty. I have made to the president's objections. But, instead of yielding without restraint to the feelings of disappointment and mortification excited by the perusal of his message, I have anxiously endeavored to temper the notice of it, which have been commensurate to the force of the reasons of right, and to the personal regard and esteem which I have ever entertained for its present incumbent.

TWENTY-SEVENTH CONGRESS, FIRST SESSION.

SENATE.

August 26. Mr. Tappan, from the joint committee on the library, reported, with amendments, the resolution for the distribution of the printed returns of the 6th census.

The forfeiture bill was taken up, the question being on concurring in the amendments of the house, and after brief remarks by various senators, was laid over till to-morrow.

The distribution and pre-emption bill was again taken up; the question being on its passage, Messrs. Calhoun, McRoberts and Young, opposed the bill.

Some remarks were made on collateral issues, by Messrs. Archer, Sevier, Linn and Clay.

Mr. Rives advocated, and Mr. Benton at length opposed the bill. Without concluding his remarks, the latter gentleman gave way to a motion from Mr. Clay, of Ala. to adjourn.

Mr. Smith, of Indiana, expressed the hope that the motion would not prevail, as an adjournment was agreed to yesterday, with the understanding that the question on the passage of the bill should be taken to-morrow.

The motion was negatived: yeas 15, nays 31. Mr. Benton then resumed his remarks, which, after being continued at some length, he concluded by moving to recommit the bill, with instructions to strike out the "bamboozing" pre-emption sections, and insert sections containing the pre-emption and graduation provisions.

This motion failed: yeas 22, nays 29.

The bill was then finally passed, by the following vote:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Benton, Claiborne, Clay, of Ky., Clayton, Dixon, Evans, Graham, Henderson, Huntington, Kerr, Mangin, M. Merck, Miller, Morehead, Phelps, Forrester, Prentiss, Sevier, Simmons, Smith, of Ind., Southard, Tallmadge, White, Woodbridge.

NAYS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay, of Alabama, Calhoun, Fulton, King, Linn, McRoberts, Monroe, Nicholson, Pierce, Preston, Sevier, Smith, of Conn., Sturgeon, Tappan, Walker, Williams, Wood.

And then the session adjourned.

August 27. The president presented the proceedings of a meeting of citizens of Washington, with regard to the disorderly proceedings near the president to the night ensuing the veto of the bank bill; which were laid on the table, and ordered to be printed.

The bill from the house making appropriations for the funeral expenses of William Henry Harrison, was twice read and referred to the committee on the District of Columbia.

The bill from the house making appropriations for the post office department, was twice read and referred to the committee on post offices and post roads.

The resolution for the distribution of the returns of the 6th census, was taken up, and the amendment of the house concurred in, and also an additional amendment increasing the number of copies.

The bill from the house, "relating to duties and drawbacks," was announced, as the general order, and after some conversation, taken up.

The amendments of the committee were first in order. The first of these, was to take from the list of articles exempted from the proposed duty of twenty per cent. the following: gold and silver, and other watches, and parts of watches, gold and silver lace and embroidery, laces of thread, silk or cotton, and all articles composed wholly or chiefly of gold or silver, gems and precious stones, pearls of all kinds which set, jewelry, and including prostheses. (The effect of the amendment is to expose these to the duty of twenty per cent.)

Mr. Clay, of Kentucky, said that the committee after consideration had thought best, that the rate of duty on these articles should be increased. They were, he said, and were liable to be smuggled, and from this cause, he did not know as an increase of duty on them would produce more revenue than the present rates. They had had various petitions on the subject, some desiring, others opposing an increase of duty on these articles. But most of the persons alluded to in them were extremely anxious that they should be subjected to higher duty, and more, over, he believed that economical considerations required a higher duty on them for the purpose of revenue. It was from this reason that the committee had proposed the amendment, on which it was for the first time divided.

Mr. Wright doubted the propriety of the amendment, from no feeling to favor the articles by exempting them from duty, but from representations of some

of the largest dealers in these articles in New York; that a 20 per cent. duty on them, would not yield as much revenue as a duty of 12½ per cent.; and that this would not yield as much as a duty of five or six per cent. They based this opinion on the ground that these being articles of very great value, and of small compass, were very likely to be smuggled, and would be almost entirely, if the duty were increased.

A package of 15 or 16 inches square, might be worth five or six thousand dollars, might be smuggled beyond the possibility of detection. This increase of duty would make an established system of smuggling these articles, and thus entirely derange the trade, and destroy those men who had too much principle to enter into this system. He should therefore vote against the amendment.

Mr. Clay said the amendment would be disposed of as the senate thought proper; he would, however, ask the yeas and nays, as it was a question which had created considerable excitement, that the opinions of senators might be seen. The committee had had before them when this matter was under consideration, some intelligent dealers in these articles, who were decidedly in favor of an increase of the duty. He had told them he believed it would encourage smuggling, and not add to the revenue; but they believed they could prevent this. They knew the principal imports of these goods, and they intended to make an arrangement among the dealers throughout the country, to assist the collector in detecting the smuggling that might be committed, and bringing those engaged in it to punishment. Under this consideration, he believed it would operate beneficially to increase the duty. These articles produced but little duty at any rate, and they had proposed this increase on them as their exemption from duty was the cause of some dissatisfaction throughout the country; it was believed these ought more properly to be taxed than many other articles. He hoped the provision would be retained, but it was for the senate to decide. He asked yeas and nays on the amendment; which were ordered.

Mr. Calhoun said he thought the senator from Kentucky would see that, as they were not prepared for the consideration of the bill, it would be better to put it over till Monday, or to to-morrow; let some other day be taken, and give the opportunity to examine it. He agreed with the senator that it was important to give satisfaction to the people; but the best manner to do this, was to go on and do their duty. He opposed putting the duty on these articles, for, however vigilant the dealers might be, they could not prevent smuggling. They would be entirely smuggled, and the duty would be lost. He would do what was right, and if any one would move it, he would vote to reduce the duty to 5 per cent. and we should then raise more revenue from them. He hoped the senator would put over the subject till to-morrow.

Mr. Clay said he merely proposed to commence the work to-day, and take the question on the amendments of the committee. The question on this was plain, and every senator must understand it. It was merely whether a duty on jewelry and luxuries should be increased to 25 per cent. or not. It could admit of no argument, and he did not intend to discuss it.

Mr. Henderson said he should vote against the amendment, as these articles would not bear such a duty; the increase of which, by encouraging smuggling, would not add to the revenue.

Mr. Smith, of Connecticut, should vote against the amendment.

Mr. Woodbury said the argument against this—that it would tend to an increase of smuggling, would cut into the whole bill, and equally apply to sewing silk and all other articles. They should do their duty, and when the revenue needed an increase, they should do it by increasing the duty on the proper articles, and then provide for the carrying out of the law, and the prevention of smuggling.

Mr. Allen should vote for this amendment. He thought the increase of duty to 20 per cent. would tend to no more smuggling than a duty of ten per cent. He said, and on this subject, he was measured—as an attempt to tax the necessities of life—of distribution. He had no apprehension of the result of appealing to the people on this subject; and he now gave notice that when the distribution bill and the tariff bill would become a law—when a duty of 10 per cent. should be levied on the necessities of life, he would introduce a bill to exempt the bankers, he would introduce a bill to repeal both acts.

Mr. Clay, of Alabama, should vote for the amendment. If they were to exempt any class of articles from duties, it ought to be those which were consumed by the poorer class of people. The only objection to the bill against this amendment was that it would increase the smuggling of these articles. He did not know how great an effect of this

kind would be likely to be produced, but he believed these articles ought to be taxed, and provision made against the smuggling.

Next, *Clay* should vote on the measures presented to him on their merits, without looking to their political effects. He believed the rate of duty now existing would yield more revenue than an increase. They ought to shape their duties so that there might be a fair and honorable competition in the market, and not an advantage given to the dishonest over the honest.

This measure would lead to smuggling. No one could doubt it. It must be the effect of it, and it would not add to the revenue. Why, then, was it introduced? For political effect, that they might hold out to the people the idea that they increased the duties on the duties, and that they increased the duty on articles, and a duty which would be collected. He asked his friends of the cotton-growing regions whether they were prepared to lay the highest duties on articles for which they exchanged their cotton? It would of necessity tend to impair the sale of their productions. He lay the duties on articles of first necessity, if they could be exacted, consistently with the demand for revenue, they ought to be exempted. He should vote against the amendment.

Mr. *Calthorn* intended on this question to pursue rigidly the line of duty. It was a great question, and should not be diverted to the right or left. Ought they, as statesmen, to do an act which would end in unequalled smuggling, and not bring in a dollar to the treasury? At the beginning of government these articles bore but 5, 6, or 7 per cent. duty; so it ought to be now, and it would produce more revenue. To go further, he would say he did not feel any obligation to vote for any duty because of this sudden emergency. He should vote as if it was a permanent provision, and not looking to exigencies. This necessity had been produced by the present administration—it was of their making, and he should vote for this as if he were settling the taxes, and if the gentlemen had done their duty, and had not by extravagance and distribution created a deficiency in the treasury, for which they were responsible. A rate of duty of 12 per cent. was a fair rate, as an average; some articles to be increased, and some reduced.

Mr. *Benton* said this bill had been held back till the distribution had been passed, and this a pretext made for it. There was no deficiency till they had passed the land bill, which was a fraud in itself, and would operate to distribute not only land revenue, but was intended into the custom house and revenue, in violation of our rules, when two bills had preference, and this had been taken up, to increase taxes; and that was in accordance with the other measures of the session. He should give every vote to keep all the commodities of life as low as they were in the glorious times on *Bureau Jackson*. This new tariff would prove to be the most disastrous, and the most wicked, that ever had existed; for former tariffs were laid on some articles, they spared those used by the poor.

The question was then taken, and the amendment adopted as follows:

YEAS—Messrs. Allen, Archer, Barrow, Bates, Bayard, Benton, Berrien, Buchanan, Calhoun, Clay, of Alabama, Clay, of Kentucky, Clayton, Dixon, Evans, Fulton, Graham, Huntington, Linn, McRoberts, Mangum, Marshall, Mason, Merriam, Phelps, Porter, Prentiss, Rives, Sevier, Simmons, Smith, of Ind. Southard, Surgeon, Tallmadge, Tappan, White, Williams, Woodbridge, Woodbury, Young—21.

NAYS—Messrs. Archer, Benton, Buchanan, King, Smith, of Conn., Sturgeon, Walker, Young—26.

At the suggestion of Mr. *Clay*, the bill was then passed informally, to give gentlemen an opportunity for its examination.

On the question of Mr. *Rives*, the senate proceeded to the consideration of executive business, in which they were occupied during the day.

August 28. Mr. *Chadw* presented a memorial from merchants of Boston, asking that additional duties might not be imposed on articles which had been shipped. Laid on the table and order to be printed.

The bill from the house of representatives making appropriations for the outfit of diplomatic agents was read a first and second time by its title, and referred to the committee on foreign relations.

The bill making appropriation for the arrangement of the statue of Washington, by Greenough, was read a first and second time by its title, and referred to the committee on the library.

The fortification bill was then taken up, and the amendment of the house having been read, Mr. *Preston* explained that the committee on military affairs had recommended that the senate disagree with the amendment of the house, and insist on their amendments, which had been stricken out by the house, for an appropriation of \$30,000 for a survey of the southwestern frontier, inland and maritime

borders; and an appropriation of \$75,000 for the purchase of a site for a western, southwestern and northwestern army.

The subject was debated by Messrs. *Prentiss*, *Wright*, *Huntington*, *Buchanan*, *Evans*, *King*, *Linn*, *Preston*, *Huntington*, *Calhoun* and *Pierce*; when Mr. *Preston* asked that the question be taken on the items separately.

The question was first taken on concurring with the amendment in the following amendment:

“For purchase of a site, and for barracks and defensive works, at or near Buffalo, N. York, \$50,000.”

On this question the yeas and nays were demanded when the vote stood as follows:

YEAS—Messrs. Allen, Barrow, Bates, Christie, Clay, of Ky., Clayton, Dixon, Evans, Huntington, Linn, Morehead, Monro, Phelps, Porter, Prentiss, Rives, Simmons, Smith, of Indiana, Southard, Tallmadge, Tappan, Walker, White, Woodbridge, Wright, Young—26.

NAYS—Messrs. Archer, Benton, Buchanan, Kerr, King, McRoberts, Miller, Nicholson, Pierce, Preston, Smith, of Conn., Sturgeon, Woodbury—18.

The vote was then taken on concurring in the following amendment, and carried, without a division:

“For fortifications at the outlet of Lake Champlain, and purchase of site, \$75,000.”

“For defensive works, barracks and other necessary buildings, and purchase of a site for a depot, at or near the junction of the Matawankeag and Penobscot rivers, Maine, \$25,000.”

Mr. *Preston* asked that the committee on military affairs of the senate recommend that the senate insist on their amendments, which the house had stricken out.

One of these amendments, viz making an appropriation of thirty thousand dollars for surveys on the southwestern inland and maritime frontiers, for purposes of defence, was then taken up.

Mr. *Montu* expressed his surprise that this item should have been left out by the house, and hoped that the senate would persist in retaining that amendment.

Mr. *M.* sent to the chair a letter from the war department, in order to convince the senate of the importance of this measure.

The question having been taken on the senate's insisting on its amendment, it was carried, without a division.

The next amendment of the senate was the appropriation of seventy-five thousand dollars for the purchase of a site for a western, southwestern or northwestern army.

Mr. *Clay* hoped this amendment would not be insisted on. He was against the expense, in the first place, in the present state of the treasury; and, if the section were left to the president, it would, he felt, be left to a secretary, who in turn would leave it to a head of a bureau, when, in a matter so important, congress should retain control. Besides, \$75,000 for the purchase of a site was a most enormous price, and looked like a job to somebody who had property to sell that was not its value, and then all that money was only for a commencement.

Messrs. *Benton*, *Buchanan*, *Allen* and *Woodbridge* spoke in favor of insisting on the amendment, and Messrs. *Clay* and *Morehead* was opposed to insisting, when the question was taken on insisting on the amendment, and carried in the affirmative.

YEAS—Messrs. Allen, Barrow, Benton, Buchanan, Clay, of Alabama, Calhoun, Fulton, Henderson, King, Linn, McRoberts, Nicholson, Preston, Sevier, Smith, of Conn., Surgeon, Tappan, Walker, White, Woodbridge, Woodbury, Wright, Young—24.

NAYS—Messrs. Archer, Bates, Berrien, Christie, Clay, of Kentucky, Clayton, Dixon, Evans, Graham, Huntington, Kerr, Mangum, Miller, Morehead, Phelps, Porter, Prentiss, Rives, Simmons, Smith, of Ind. Southard, Tallmadge, White—22.

The bill from the house making appropriations for the repair of the Potomac bridge was read a first and second time by its title, and referred to the committee on the District of Columbia.

The bill to carry in effect the provisions of the treaty with Mexico was returned with amendments from the house, and on motion of Mr. *Preston*, referred to the committee on foreign relations.

Mr. *Rives* soon after reported the bill back to the senate, recommending that the amendments be concurred in; which was agreed to, and the bill finally passed.

The revenue bill was then taken up.

On the first question was on concurring with the committee in exempting *palanquin* duty.

Mr. *Clay* said this was an article of but little value, and was used by the girls of the nation in making bonnets and hats.

The amendment was agreed to.

Another amendment of Mr. *Evans*, in which was inserted among the articles to be exempted from duty, was inserted *smac* among the exceptions, as not liable to duty.

On this amendment a debate sprang up, in which Messrs. *Woodbury*, *Calhoun*, *Clay* and *Walker* participated.

On motion of Mr. *Evans*, the words “oil of” was stricken out, and *clers* only admitted, on the ground that the oil was a manufactured article.

On motion of Mr. *Clay*, the bill was further amended so as to insert *bleaching powder and cream of tartar* in the bill, and of course exempting them from duty.

Mr. *Woodbury* would submit an amendment, which he did not desire to have considered then, but to lay over until Monday. It was to insert among the list of free articles tea and coffee, and that the duty on salt and molasses be reduced *one-half* from the year 1832 to 1845, after which to be entirely exempted.

Mr. *Benton* sent an amendment to the chair, to the effect that coarse blankets should be admitted free of duty.

Mr. *Buchanan* said he was induced to offer an amendment. Within the limits of the compromise act, he would protect the manufacturers of the country. It was well known that there was iron in Pennsylvania equal to the best English iron for rail roads, enough indeed to supply the whole world. The amendment he would offer he desired to come in at the 5th section of the bill.

The effect of this amendment was to repeal all the laws which admitted iron for rail roads free of duty.

Mr. *Clay* said he did not know that he should have any objection to this amendment. The policy was, where there was a large amount of revenue on land, to admit this article free of duty for the encouragement of rail roads. But as there was a large quantity of iron in this country, and extensive manufactures, he thought he should support the proposition, particularly as it would add very considerably to the revenue.

Mr. *Buchanan* would support it if there was no iron in the country.

As there were any reason why corporations should have this article free of duty, while the farmer was subjected to a tax on the iron used in his ploughs? In Pennsylvania there were immense beds of this iron ore, beside the coal, and he hoped that a duty would be placed on rail road as well as on any other iron.

Mr. *King* made some remarks, understood to be in opposition to the amendment. The question was whether there was iron in Pennsylvania, but was it manufactured so as to create a proper supply for the purpose of facilitating these roads?

Mr. *Huntington* would suggest whether it would not be better to let the subject lie over until the first of the week, which suggestion was acquiesced in, and the bill passed over informally.

Mr. *Sevier* asked the senate to indulge him in taking up the bill in which one of his Choctaw constituents was deeply interested—he had been waiting here for a long time in expectation of having it acted on.

The senate then proceeded to consider the bill to provide for the satisfaction of the outstanding Choctaw reservations, under the nineteenth article of the treaty of Dancing Rabbit creek, of September, 1830.

Mr. *Sevier* explained the objects of the bill and advocated it with great zeal.

Mr. *How* *even* spoke in its favor, but the senate adjourned without taking any question.

August 30. Mr. *Archer* presented the proceedings of a meeting held in Orange county, Virginia, expressive of the disapprobation of the leading measures of the present session, &c.; which were read and ordered to be printed.

Mr. *Clay* presented a memorial from the manufacturers of bleaching powders, asking that a duty may be imposed on that article.

Mr. *Simmons* also presented one to the same effect.

Mr. *Woodbury* also one of similar character, relating to bleaching powders and chloride of lime.

Mr. *Tappan* moved to take up the resolution submitted by him some days since, in relation to fixing the time of adjournment.

On this question a few remarks were made, and the question was taken by yeas and nays, the vote stood as follows:

YEAS—Messrs. Allen, Barrow, Benton, Buchanan, Calhoun, Clay, of Alabama, Calhoun, Fulton, King, Linn, McRoberts, Nicholson, Pierce, Sevier, Smith, of Connecticut, Sturgeon, Tappan, Walker, Woodbury, Wright, Young—21.

NAYS—Messrs. Archer, Bates, Berrien, Christie, Clay, of Kentucky, Clayton, Dixon, Evans, Graham, Huntington, Kerr, Mangum, Miller, Morehead, Phelps, Porter, Preston, Simmons, Smith, of Ind. Southard, Tallmadge, White—22.

Mr. *Kerr*, from the committee on the judiciary, reported back the bill, which had been recommended three days since, recommending that the amendments of the house, which, on motion, were considered and agreed to.

At which hour, the committee, in pursuance of the order of the house of this day, proceeded without further debate to vote on the amendments pending or that might be offered.

And the question being on agreeing to the amendment of Mr. Gilmer.

Mr. McKay moved to amend the amendment of Mr. Gilmer, by striking out the latter part thereof, in the following words:

"That the several sums which the post office department may heretofore have paid into the treasury."

The question being taken, the vote stood; ayes 75, noes 75; a tie.

The chairman then voted in the negative, and the vote of the house was taken. So the amendment to the amendment was rejected.

And the question recurring on the amendment of Mr. Gilmer, it was decided in the affirmative: ayes 107, noes not counted. So the amendment was agreed to.

Mr. Campbell, of South Carolina, moved to amend the bill by reducing the amount appropriated from \$497,550 to the sum of \$347,000. Which amendment, by yeas 72, noes 79, was rejected.

Mr. McKay then moved to strike out all after the enacting clause of the bill, and insert the following: "That the President of the United States be, and he is hereby, authorized, in case it is necessary to enable the post office department to meet its present engagements and pay its debts, to cause a sum not exceeding three hundred and forty-seven thousand dollars of the money which may be borrowed in execution of the act entitled 'an act authorising a loan not exceeding the sum of twelve millions of dollars,' approved July 21st, 1841, to be applied to the use of such department for the purposes aforesaid, and to be reimbursed out of the accruing funds of the department; the said money to be accounted for in the manner prescribed in the second section of the act to amend the organization of the post office department, and to provide more effectually for the settlement of the accounts thereof, passed July 2, 1836."

Which amendment, by ayes 60, noes 88, was rejected.

On motion of Mr. Briggs, the committee then rose, and reported the bill with the amendments to the house.

And the question being on concurring with the committee in its amendments, and ordering the bill to be engrossed for a third reading, Mr. Briggs moved the previous question. And there was a second.

And the question, (being first in concurring with the committee in its amendments.)

Mr. Campbell, of South Carolina, asked the yeas and nays; which were ordered, and, being taken, were: yeas 121, nays 47. So the amendment was concurred in.

And the bill was ordered to a third reading now. And having been read a third time, and the question being "Shall the bill pass?"

Mr. Snyder asked the yeas and nays, which were ordered, and being taken, resulted as follows:

YEAS—Messrs. Adams, Allen, Landolf, W. Andrews, Sherlock, J. Andrews, Arnold, Arrington, Ayres, Babcock, Banks, Barnard, Barton, Bullock, Eads, Eads, Black, Blair, Boardman, Borden, Briggs, Brockway, Bronson, Brown, A. Brown, Milton Brown, William Butler, William O. Butler, John Campbell, Thomas C. Campbell, Caswell, Claiborne, John C. Clark, Staley N. Clarke, Cowen, Cranston, Cross, Cushing, Win. C. Dawson, Deberry, John Edwards, Everett, Ferris, Fessenden, Fillmore, A. Lawrence Foster, Gamble, George, Giddings, H. H. Gilmer, John H. Gilmer, Green, Greig, Gustine, Habersham, Hall, Halsey, William S. Hastings, Hays, Holmes, Howard, Husted, James Irvine, William W. Irvin, James J. P. Kenney, Charles C. Lester, Littlefield, Malley, Samson Mason, John Thompson Mason, Nathan May, Charles Maxwell, Maynard, Moore, Morzan, Morris, Morrow, Osborne, Owsley, Farmer, Powell, Profit, Rogers, Ridgway, Russell, Samuel, Randolph, Rayner, Renwick, Ridgway, Russell, Samuel, Randolph, Rayner, Renwick, Simonson, Smith, Stokely, Stratton, A. H. H. Stuart, John T. Stuart, Sumner, Talsider, John D. Thompson, Tillamouth, Tillamouth, John D. Thompson, Triplett, Trumbull, Turner, Wallace, Warren, Washington, E. D. White, J. L. White, T. W. White, Winthrop, Wood, York, Young, John Young.

NAYS—Messrs. Adberton, Beeson, Bowne, Bay, Charles A. Caldwell, Eastman, Chas. A. Floyd, A. McClernick, M. Kay, Mathews, Newell, Payne, Rogers, Saunders, Snyder, Underwood—23.

The house then, on motion of Mr. Gilmer, went into committee of the whole on the state of the union, (Mr. Randolph, of New Jersey, in the chair), and took up the bill in relation to placing the statue of Washington in the rotunda of the capital.

The bill having been read, Mr. Gilmer went into a full explanation of the grounds of the bill, quoting from the documents in support of the several items of appropriation contained in it; which were: 1. For the preparation and execution of the work. 2. For freight. And, 3. For the removal of the statue from the navy yard, and its erection in the rotunda.

The bill underwent several amendments as to the sums appropriated, on account of diversity of opinion, &c., also for an iron railing to surround the statue when erected in the rotunda.

Mr. Graham, of North Carolina, moved an amendment, the effect of which would be to rescind a former resolution which had required the statue to be erected in the centre of the rotunda, and permitting it to be placed in such other part of that apartment as might be directed by the secretary of the navy.

Mr. Greenough, the sculptor, in a letter to a committee of congress, had suggested that the centre would not be the proper place for his work, because the light would there fall vertically upon it, and the position would be midway between the centre and the door leading to the first rotunda.

The amendment left that point discretionary with the secretary.

Mr. Holmes opposed the amendment on the ground that any other location of the statue than the centre of the rotunda would destroy the symmetry of that magnificent saloon, and more than counterbalance any advantage from the direction of the rays of light.

Mr. Adams said he had formerly concurred in this opinion, and had expressed it to the house a few days since, when the bill was up. But, on further examination, he had ascertained that there was a drip from the leakage of the glass lantern over the dome of the rotunda, which would threaten the injury, if not eventual destruction, of the statue if placed under it, and he was therefore induced to yield the argument derived from the symmetry of the apartment.

Mr. King suggested a difficulty as to the manner in which the floor had been strengthened by arches over the crypt below, (originally intended for the reception of General Washington's remains); should the immense weight of the statue, (not less than 20 tons), be placed at any other point, the floor might prove insufficient to sustain it.

To this it was replied that there were other arches beneath the floor, which would be quite sufficient to endure the weight.

The amendment was finally agreed to. Whereupon, in the midst of sundry suggestions to take up other bills, and general cries of "no, no; let us rise," the committee rose, and reported the bill to the house.

In the house it forthwith received its third reading, and was passed. And then the house adjourned.

FRIDAY, AUG. 27. Mr. Campbell, of South Carolina, offered a resolution ordering that the clerk of this house do, and cause to be made, arrangements for distributing the seats among members by lot.

Messrs. Morgan, Hopkins and others, professing themselves well satisfied with their present seats, objected to the resolution, and it was therefore not received.

The house then resolved itself into committee of the whole, Mr. Skipped, of North Carolina, in the chair.

Mr. Dawson moved to take up the bill submitted by Mr. Levy, "making further provision for the suppression of Indian hostilities in Florida." The bill was taken up, but was soon laid aside informally for the present.

On motion of Mr. Dawson, the committee took up the bill making provision for the purchase of sites for fortifications and for military surveys.

On motion of Mr. Fillmore, it was amended by striking out the appropriations for the purchase of sites on the outlet of Lake Champlain, and at Detroit and Fort Erie, the appropriations having been anticipated by recent amendments to the fortification bill, now passed.

Mr. Dawson suggested the propriety of striking out the appropriations for the purchase from the state of New York of sites and fortifications in New York harbor, as he had found by an examination of revolutionary claims, that the balance of \$200,000 was due from the state of New York to the general government, which, in 1794, was arranged to be paid by fortifications to be erected by the state of New York for the United States government.

A confused desultory debate on this subject ensued between Messrs. Dawson, Fillmore, Harris, Linn and McKay. The bill was at length laid aside, without any order to report it.

[A message was received from the senate informing the house that they had passed the land bill with amendments.]

On motion of Mr. Tillamouth, the committee next took up the resolution for distribution of copies of the Digest of Patents, which, without debate, was reported.

Mr. Fillmore moved to take up the bill making appropriations for the outfits and salaries of diplomatic agents.

Mr. Gilmer objected, and wished to state his reasons, but was prevented by the rule extending debate on such a motion.

On the vote no quorum appeared. The committee rose and reported the fact.

A call of the house was ordered—yeas 102, nays 57. On a quorum being called, the bill was taken up, and the house again resolved itself into committee of the whole.

The committee then voted to take up the diplomatic appropriation bill—ayes 61, noes 60.

Mr. Ingersoll moved to strike out the appropriations for charges to Naples and to Sardinia. He defended his motion by some remarks on the extravagance and uselessness of the diplomatic establishment.

Messrs. Fillmore, Cushing, Tillamouth, Adams, Gilmer, Holmes and Everett replied to Mr. Ingersoll. The amendment was rejected without a division.

Mr. King moved an amendment appropriating \$4,000 for the purchase of a new statue of George Washington, and he advocated his amendment in a speech of considerable length. The amendment was rejected.

After some further remarks from Messrs. Fillmore and Cushing, the bill was laid aside and ordered to be reported.

The committee then rose and reported.

The resolution for the distribution of the Digest of Patents.

The diplomatic appropriation bill, without amendment was ordered to a third reading then, and passed.

On motion of Mr. Dawson, the committee of the whole on the state of the union was discharged from the further consideration of the bill in relation to the purchase of sites, and the same was recommitted to the committee on military affairs.

Mr. Adams, on leave, introduced the following resolution, which was adopted:

Resolved, That the committee on foreign affairs be instructed to inquire into the expediency of reducing the expenses in the diplomatic department of the government, by diminishing the number of ministers and other diplomatic agents abroad, and report thereon to the house.

Mr. Briggs asked that the house would, by common consent, take up the land bill, and refer it to the committee on public lands, and order the amendments to be printed.

Mr. J. G. Floyd inquired of the speaker if it was in order to move an amendment?

The speaker replied in the negative.

And the bill was then referred to the committee on the public lands, and the amendments were ordered to be printed.

Mr. Campbell then again offered his resolution for the division of the seats by lot among the members, but it was objected to, as was also a substitute proposed by Mr. Peleson, on offering all the desks to be removed except the outer row. The resolution being objected to, it was laid aside.

The house then, on motion of Mr. Underwood, went into committee of the whole, Mr. Arnold in the chair, and took up the bill for the repair of the Potomac bridge, which, without debate, was ordered to be reported.

The bill to provide for the repaving and repairing of the Pennsylvania avenue coming up on the question of engrossment—

Mr. Cave Johnson moved to lay the bill on the table, and asked the yeas and nays, which were ordered, and being taken, were as follows: yeas 75, nays 83. So the bill was not laid on the table.

And the question recurring on the engrossment of the bill, Mr. Campbell said that he did not suppose the house understood the question—that the impression on the minds of gentlemen might be that the appropriation was intended to pave the principal part of the avenue. Whereas, in reality, upon the statement of the individual who expected to obtain the contract, \$15,000 would only pave 300 yards of it at the rate of 36 feet wide, which would, according to that computation, require an appropriation of \$75,000. Mr. Underwood, in reply moved the previous question. And there was a second.

And the main question (being on the engrossment) was ordered, and, being taken, the bill was ordered to be engrossed for a third reading to-morrow.

And the house adjourned.

SATURDAY, AUG. 23. The unfinished business of yesterday was the bill for repaving and repairing a portion of Pennsylvania avenue.

The pending question being on the passage thereof—

Mr. Forke (the house, he said, being very thin) moved that there be a call of the house.

Mr. Hopkins asked the yeas and nays on that motion, but withdrew the motion.

And the call having been ordered—the clerk called the roll, and 193 members answered to their names.

And the names of the absentees having been called, 171 members appeared to be present.

And then all further proceedings on the call were suspended.

The question then recurring on the passage of the bill.

Mr. Hopkins asked the yeas and nays; which were ordered, and, being taken, resulted as follows, yeas 69, nays 103. So the bill was rejected.

The house then took up the bill on the speaker's table providing for the division of the printed returns of the sixth census, and concurred in the amendment of the senate (in relation to the number of copies) made thereto.

On motion of Mr. Cushing, the house proceeded to the consideration of the senate bill to carry into effect two conventions between the United States and the Mexican republics.

The committee on foreign affairs of this house, to whom the said bill had been referred, had recommended that the enacting clause thereof be stricken out.

And the question being on concurring with the committee in that recommendation—debate arose, in which Messrs. Cushing, Wise, Everett, Adams, Hunt and Tillinghast, participated.

[A message in writing was received from the president of the United States, by the hands of John Tyler, Jr., his private secretary.]

The question was then taken on concurring in the recommendation of the committee on foreign affairs to strike out the enacting clause of the bill.

And the house refusing to concur with the committee in the recommendation, the enacting clause of the bill was not stricken out.

Mr. Wise then moved to amend the bill—

1. By striking out all after the word "that," in the third line of the 1st section, to the words "The secretary," in the 1st line of the 2d section.

2. In the 2d section in the third line, after the words "in the recommendation," have before shall be made, in pursuance of the convention with the republic of Mexico concluded at Washington the 11th day of April, 1839, in favor of citizens of the United States."

And by adding to the end thereof the following words:

"Provided, That nothing in this act shall be construed to give any rights to the claimants that are not conferred by said convention and the act of June 12th, 1840, and that the substance of this provision be inserted in the certificates that may be issued."

This proviso was offered by Mr. Everett, and accepted by Mr. Wise as a modification of his amendment.]

Mr. G. Davis moved to lay the bill on the table; which motion was rejected.

Mr. H. Wise moved the previous question. And there was a second.

And the main question (being first on the modified amendment of Mr. Wise was ordered; and, being taken, was decided in the affirmative. So the amendment, as modified, was agreed to.

And the bill having been ordered to a third reading now, was read a third time, and passed.

And Mr. Cushing then moved that the bill be so amended as to read an act "in addition to" an act, &c. And then the house adjourned.

MONDAY, AUG. 20. The speaker said the first business in order was the presentation of petitions.

On leave given, Mr. Stenrod presented the resolution of protest of the citizens of Marshall county, protesting against the general course of legislation at the present congress; which were laid on the table.

The speaker laid before the house a message from the president of the United States, in answer to a resolution of this house of the 16th ult. transmitting to the committee on the treasury the records, with accompanying papers, in relation to removals from office, &c.

Laid on the table, and ordered to be printed as an appendix to information heretofore received on the same subject.

Mr. Stenrod presented a petition from the citizens of Washington county, North Carolina, praying congress to charter a national bank.

Mr. Barton, of Virginia, presented the petition of 214 citizens of Harper's Ferry and its vicinity, remonstrating against the continuance of a military superintendency over the public works at that place. Also, a petition from the same place, signed by 187 individuals, praying a law to authorize the continuance of a military superintendency over the public armories. Which petitions, on Mr. Barton's affairs, were referred to the committee on military affairs.

Mr. Murray, from the committee on public lands, to whom had been referred the bill "to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," with certain amendments made thereto by the senate, reported back the same, with a recommendation that the said amendments be concurred in by this house.

And the question being on concurring therein—

Mr. John C. Clark moved the previous question.

Mr. H. Wise rose to a point of order. He submitted to the speaker that the senate had changed the appropriations made by the house; that the bill contained new features of appropriation, both of land and money, which it contained, and that the amendments of the house, be referred to the committee of the whole on the state of the union.

The speaker said that the bill, by its provisions, appropriated, without any limitation, the entire proceeds of the sales of the public lands.

And the speaker said that there is a two per cent fund, independent of the proceeds.

The speaker. That comes out of the proceeds.

Mr. Wise. But they are distinct monies.

The speaker. True; but the bill upon its face absorbs the entire proceeds of the sales of the public lands, and the whole of the proceeds of the sales of the senate; it is true, make a disposition different from that of the house of a portion of these proceeds; but they do not take one dollar more out of the treasury.

They do not enlarge the appropriation made on the face of the bill.

Further conversation on the point of order was cut off by a motion of Mr. Boyd that the bill and amendments be laid on the table.

Mr. Cave Johnson asked the yeas and nays on that motion, which were ordered; and, being taken, were yeas 101, nays 91.

[A message was received from the senate by Asbury Dickies, esq. secretary, informing this house—

First, that the senate had concurred in the amendments of the house to the bill to amend an act entitled "an act to carry into effect a convention between the United States and the Mexican republic."

Also, that the senate had concurred in the amendment of the house to the bill to amend the act to provide for the taking of the sixth census.

Also, that the senate insisted upon the second and fourth amendments made by that body to the bill "making appropriations for various fortifications, for ordnance, and for armaments and suppressing Indian hostilities," and had concurred in the other amendments of the house to the amendments of the senate.]

And the question recurring on the motion of Mr. John C. Clark for the previous question—Mr. Bidlack renewed the point of order in relation to the necessity of committing the bill.

And after some conversation on that point between Messrs. Bidlack, Cave Johnson, McKay and Lewis Williams—the speaker decided that, under the rule, it was not necessary to commit the bill.

And Mr. H. Wise then appealed.

Mr. Stenrod asked the yeas and nays on the appeal; which were ordered.

And the question, "shall the decision of the chair stand as the judgment of the house?" was then taken, and decided in the affirmative: yeas 107, nays 82. So the decision of the speaker was affirmed.

Some further conversation followed as to the effect of the previous question.

When the question on the motion of Mr. John C. Clark for the previous question was taken, and decided in the affirmative. So there was a second.

And on the question, "shall the main question be now taken?"

Mr. Thornton asked the yeas and nays, which were ordered; and, being taken, were: yeas 104, nays 92. So the house determined that the main question should now be taken.

And the question recurring on the main question, (On the second reading of the senate in the amendments—Mr. H. Wise asked that a separate question be taken on each amendment, which was ordered.)

And the first amendment (which provides that the territories of Wisconsin, Iowa and Florida shall receive their distributive share of the proceeds) was concurred in without a division.

On the second amendment, viz:

To strike out the second section the words "respective federal representative population, as ascertained by the last census," and insert, "representation, respectively, in the two houses of congress, as the same may be fixed by the apportionment to be made under the census of 1840, and hereafter, according to the representation as ascertained in the two houses of congress, as it shall be apportioned from time to time, under any future census, except that the District of Columbia and each of the territories shall receive a distributive share equal to that which would be assigned in any state for one representative in the congress of the United States."

Mr. H. Wise asked the yeas and nays, which were ordered, and, being taken, were 61 yeas 136. So the amendment of the senate was not concurred in.

The third amendment of the senate, which provides that the distributive share of the District of Columbia shall be the same as if said District were represented, was not concurred in.

Section 3. The amendment of the senate, inserting the words "and territories, or to the governors thereof, in case the legislatures shall have made no such apportionment," was concurred in.

Section 4. The amendment of the senate, providing that this act shall not apply "to any sum apparently due to the United States as balances of debts growing out of the transactions of the revolutionary war," was concurred in.

Section 5. The amendment of the senate, inserting in the fifth line the words "except as hereinbefore expressly provided," was concurred in.

Section 6. On the amendment of the senate, inserting the words "unless congress shall think proper to grant alternate sections along the line of any canal or other internal improvement, and at the same time to increase the minimum price of the sections reserved,"

Mr. Cave Johnson asked the yeas and nays, which were refused.

And the amendment was concurred in.

The amendment of the senate inserting in the 9th line of the same section the words "except as aforesaid," was concurred in.

Section 6. On concurring in the following amendment to the senate, to wit:

"Provided, That if, at any time during the existence of this act, there shall be an imposition of duties on imports inconsistent with the provisions of the act of March second, one thousand eight hundred and thirty-three, entitled, 'an act to modify the act of the fourth of July, one thousand eight hundred and thirty-two and all other acts imposing duties on imports,' and beyond the rate of duty fixed by that act, to wit: twenty per centum on the value of such imports, or any of them, then the distribution provided in this act shall be suspended, and shall so continue until the cause of such duties shall be removed; and, when removed, it not prevented by other provisions of this act, such distribution shall be resumed."

Mr. Irwin asked the yeas and nays, which were ordered, and being taken, were Yeas 108, yeas 94. So the amendment of the senate was concurred in.

The remaining amendments of the senate were concurred in; and the bill was then ordered to be returned to the senate.

Mr. Wise, from the committee on naval affairs, reported the following resolution, which was adopted:

Resolved, That the secretary of the navy furnish this house at the next session of congress with a list of the names of all officers of the navy, from lieutenant to captain inclusive, who have been on shore for the term of five years, ten years, and for a period longer than five years, without going to sea, or without applying for orders; with a statement of the causes, if any, which prevented their going to sea; and with a statement of the services rendered by each such officer respectively, and the early pay and emoluments of each.

The house took up the bill "making appropriations for various fortifications, for ordnance, and for preventing and suppressing Indian hostilities," which had been returned from the senate with a message informing this house that the senate had concurred in three of the amendments of this house to the amendments of the senate, but had insisted on the second and fourth.

The first amendment insisted on by the senate was "for surveys in reference to the military defence of the frontier, inland and Atlantic, \$30,000."

After some explanations between Mr. Fillmore and Mr. Pickens—Mr. Fillmore moved that the house recede from its disagreement to this amendment of the senate, and moved the previous question. And there was a second.

The main question was ordered to be taken.

Mr. Pickens asked the yeas and nays on the main question, which were ordered; and, being taken, were: yeas 88, yeas 94.

So the house refused to recede from its disagreement to the amendment of the senate.

And the speaker decided that the vote was equivalent to a vote to insist, but not to a vote to adhere.

[Mr. P. C. Goode, from the committee on enrolled bills, reported that the committee had examined the following bills, and had found them to be correct, (whereupon they received the signature of the speaker):

The joint resolution providing for the distribution of 700 copies of the Digest of Patents.

The joint resolution providing for the distribution of the printed volumes of the sixth census.

The act to amend an act providing for the taking of the sixth census or enumeration of the inhabitants of the United States.

The act in addition to an act entitled "an act to carry into effect a convention between the United States and the Mexican republic."

The second amendment insisted on by the senate, appropriating \$75,000 to defray the expenses of selecting and purchasing a site for a western armory, being before the house.

Mr. Fillmore (with a view to offer an amendment to the amendment of the senate) moved that the house recede from its disagreement to the amendment of the senate.

Some remarks were made by Messrs. H. W. Irwin and Thompson, of Indiana.

Pending this question, the house adjourned.

TUESDAY, AUG. 31. Mr. Banks, of Virginia, on leave given, presented the proceedings of a meeting of citizens of Orange county, Va. Laid on the table.

The speaker laid before the house a communication from the war department, in answer to a resolution of this house, calling for information as to the number of troops at Forts Gibson, Towson, Smith and Wayne.

Laid on the table, on motion of Mr. Fillmore, and ordered to be printed.

On motion of Mr. Barnard, the house resumed the consideration of the following resolution, heretofore offered by J. C. Floyd, of New York:

Resolved, That the president of the United States be requested to inform this house, if not incompatible with the public interest, whether any officer of the army, or the attorney general of the United States has, since the 4th of March last, been directed to visit the state of New York for any purpose connected with the imprisonment or trial of Alexander McLeod; and if so, to communicate to the house copies of the instructions to, and report of such officer; and whether, by any executive measures or correspondence, the British government has been given to understand that Mr. McLeod will be ordered to be released.

Mr. Barnard (who was entitled to the floor) addressed the house during the hour on the general merits of the Caroline affair, and the diplomatic correspondence and judicial proceedings in relation thereto.

Mr. Everett stated that he had prepared a statement in relation to this case, which he was not willing to submit to the haz-hazard of a speech, but which he was in hopes he could get in, either in the shape of a report or an adverse report. If he could not do so, he intended to read it as a speech on a future day.

The morning hour having expired, Mr. Fillmore called for the orders of the day.

A message was received from the senate, by Asbury Dickins, esp. secretary, informing this house—

First, that the senate had passed the bill of this house making appropriations for the funeral expenses of William Henry Harrison, late president of the United States.

Also, that the senate had receded from the second, third and sixth amendments, disagreed to by this house, to the bill entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant promotion rights."

Mr. Prentiss asked Mr. Fillmore to waive his motion for the orders of the day, to enable him (Mr. P.) to offer a resolution in relation to frauds perpetrated on the government.

Mr. Fillmore declining to do so.

Mr. Prentiss then notified that he would offer such a resolution the first moment he could.

On leave given, Mr. Underwood, from the committee for the District of Columbia, reported a bill to extend the jurisdictional limits of the corporation of Georgetown, and for other purposes; which was read twice.

The house resumed the consideration of the bill making appropriations for various fortifications for ordnance, and for preventing and suppressing Indian hostilities.

The pending question being on the motion of Mr. Fillmore that the house recede from its disagreement to the amendment of the senate, "appropriating \$75,000 for defraying the expenses of selecting and purchasing a site for a western, northwestern or southwestern armory, to be selected by the president of the United States," &c.

Mr. Briggs understood, he said, that some gentlemen had been making an offer on receding. He wished that the house might have the whole question before it. Mr. B. then, for himself, and the section of country which he in part represented, disclaimed any hostility toward the object contemplated in this appropriation.

Mr. Sumners gave notice of his intention to offer the following amendment:

"Strike out all after the word 'selecting,' and insert, 'a suitable site on the western waters for the establishment of a national armory, a sum not exceeding five thousand dollars; and the president of the United States is hereby authorized to cause such site to be made, and to communicate all the proceedings which may be had herein to the congress of the United States, to be subject to its approval.'"

Mr. Thompson, of Indiana, indicated his intention to offer an amendment to the amendment appropriating \$75,000 for additional surveys and purchase of a site in the western, southwestern or northwestern states.

Mr. Morgan rose to a privileged question. He moved a reconsideration of the vote of yesterday by which the house had refused to recede from its disagreement in the amendment of the senate appropriating the sum of \$75,000 for surveys in reference to the military defences of the frontier, inland and Atlantic.

By general consent the consideration of this motion was laid over until the pending question should have been disposed of.

And the question recurring on the motion of Mr. Fillmore that the house recede from its disagreement to the amendment of the senate, "appropriating \$75,000 for defraying the expenses of selecting and purchasing a site for a western, northwestern, or southwestern armory, to be selected by the president of the United States," &c.

A debate arose, in which Messrs. Underwood, Caldwell, Reynolds, Cate Johnson, Triplett, King, Prentiss, Faye, Henry, Sergeant, and Sumners, participated.

Mr. Andrews, of Kentucky, moved the previous question—there was a second, and the main question was ordered to be taken.

Mr. Sumners asked the yeas and nays on the main question.

And on the question whether the yeas and nays should be taken no quorum voted.

Mr. Andrews, of Kentucky, moved that the house adjourn; which motion was rejected.

Mr. Andrews then moved to lay the motion to recede on the table.

The speaker said that motion, if it prevailed, would carry the bill on the table also.

And the question being put, it was decided in the negative—so the motion to lay on the table was rejected.

And the question recurring on the motion of Mr. Fillmore that the house recede from its disagreement to the amendment of the senate, the yeas and nays were ordered; and, being taken, resulted as follows: Yeas 120, yeas 44. So the house receded from its disagreement to the amendment of the senate.

And the question recurring on concurring in the amendment of the senate, (which amendment was now open to amendment)—

Mr. Somers moved to amend the amendment of the senate by striking out all after the word "selecting," and insert:

"A suitable site on the western waters for the establishment of a national armory, a sum not exceeding \$50,000; and the president of the United States is hereby authorized to cause such selection to be made, and to communicate all the proceedings which may be had herein to the congress of the United States, to be subject to its approval."

In submitting this motion, Mr. S. said it had been his intention to offer a few remarks, but so much time had already been consumed in discussion, that he was unwilling further to protract it. He would, therefore, waive his right.

Mr. King moved to amend the amendment of Mr. Sumners, so as to provide for the selection of one site in the western states, and one site in the southern states, which motion was rejected.

And the question recurring on the amendment of Mr. Sumners—

Mr. H. W. Irwin moved the previous question. And there was a second.

And the main question (being on the amendment of Mr. Sumners), was ordered to be taken.

Mr. H. W. Irwin asked the yeas and nays on this main question, which were ordered; and, being taken, were as follows: Yeas 120, yeas 42. So the amendment of Mr. Sumners was agreed to.

And the amendment of the senate, as thus amended by the house, concurred in.

The question then came up on the motion of Mr. Morgan, to reconsider the vote of yesterday by which the house had refused to recede from its disagreement to the amendment of the senate appropriating the sum of \$75,000 for surveys in reference to the military defences of the frontier, inland and Atlantic.

After an explanation from Mr. Fillmore, Mr. Morgan asked the yeas and nays on the motion to reconsider, which were ordered; and, being taken, were: yeas 20, yeas 80. So the vote was not reconsidered.

And, on the motion of Mr. Fillmore, a committee of conference was ordered to be appointed on the part of this house to meet such committee as might be appointed by the senate, to confer on the said disagreement.

Mr. Fillmore rose, and said that the house presented at this moment a spectacle which had never been presented before. They had disposed of the business before them, and they were now simply waiting the action of the other house prior to adjournment. If—Mr. F. was interrupted by loud cries to order.

Mr. S. Mason. I have a resolution calling for information.

Mr. Prentiss wished to offer a resolution.

Mr. Fillmore. I was going to move that hereafter the daily hour of the meeting of this house be 12 o'clock, until otherwise ordered.

Mr. Andrews, of Kentucky, moved that the house adjourn.

Mr. Sumners moved to amend the motion by adding "until Thursday."

Much confusion followed.

Mr. H. W. Irwin asked the yeas and nays on the motion that the house do now adjourn.

Mr. Andrews. I was about to withdraw the motion, but since the gentleman from Virginia, (Mr. Wise), has called the yeas and nays, I will not do so. I will let him know that he cannot terrify me by calling the yeas and nays.

The house refused to order the yeas and nays.

And then, at 20 minutes past 2 o'clock, the house adjourned until 10 o'clock to-morrow morning.

POSTSCRIPT.—FOREIGN NEWS.—After part of our paper had been pressed off, the mail from the east brings us accounts of the arrival of the Britannia steamer with Liverpool dates to the 19th August; 105 passengers for Halifax and 71 for Boston.

The steamer Calidonia arrived out on the 14th, in 12 days 17 hours from Boston.

There had been very heavy rains, so seriously threatening the crops that the price of grain and flour had rapidly advanced, and a somewhat corresponding reduction took place in the price of cotton—but the latest dates indicate a fairer prospect—fine weather—prices of grain and flour again declined, and cotton again advanced to within a fraction of former prices.

Liverpool papers of the 18th Aug. says: Since the 4th there has been a further rapid advance in the corn market, the continuance of rain having caused much activity among speculators. The market is, however, calmer this week; and as the weather is now fine, with a settled appearance, there is yet a fair prospect of the harvest turning out well. Prices of flour may now be quoted 35s. per bbl. in bond for western canal, and 40 to 41s. for free flour, the present price of duty being 12s. 5d. per bbl. with the probability of a further reduction in the course of a few weeks.

There has been a brisk enquiry for cotton to-day, and the sales reach 6 to 7,000 bales, at 1d. per lb. advance, including 2,000 on speculation, and 800 for export. The weather keeps very fine.

Parliament was to meet on the 19th, by commission, the queen declining in consequence of her situation, to appear in person.

There are some items about the decision of the court to try McLeod—amounting to nothing.

A frightful fire occurred at Smyrna on the 28th July, by which one-third of the Turkish city, a number of bazons and mosques, eight synagogues and between 9 and 10,000 houses were reduced to ashes; 33 or 40 persons were killed, and 20,000 persons left without bread or an asylum.

CHRONICLE.

BANK OF THE UNITED STATES. The suit instituted against Nicholas Biddle, commenced at one million of dollars has been reduced on putting in a bill of particulars to \$240,000.

BRITISH DOMINIONS. The subjoined is a statement of the population of the British empire, which the Philadelphia Sentinel says is compiled from the most authentic documents.

Great Britain, Ireland and the neighboring Islands	27,020,000
Greece in Europe, such as Ionian Isles, Malta, Gibraltar, &c.	400,000
North America	1,500,000
Spain	120,000
West Indies	1,000,000
Africa	250,000
Australia, (New Holland, &c.)	120,000
New Zealand	25,000
Asia, (East India Co's dominions)	135,000,000
Affghanistan and Cabul	14,000,000
	210,535,000
The whole of the above territories cover about 2,800,000 square miles.	

CORROR, has declined about half a cent per pound in the New York market. The sales of last week were 2,300 Upland and Florida at 12 to 10; 600 Mobile at 8 to 12, and 50 of very fine at 13; 250 New Orleans at 8 to 12.

New Island cotton crop. The recent heavy rains at the south did great injury to the growing crop. The Florida River says: On the west coast, the damage to the Sea Island cotton crop here, we hear, been irreparable. From Edisto Island the accounts are deplorable. In addition to the injury from the copious rains have appeared in great numbers. In the middle and upper sections of the state the injury has been also most extensive. The bridge over the Commerce river, a mile below Columbia, has been carried away and the bridge has been suggested, with water, while in some parts of Greenville district the crop has been nearly destroyed.

THE CORNELL FLOOD. is frequently found on willow trees in various parts of the United States. The New Orleans Bee notices their being in great abundance in the Parish of St. Mary, Louisiana. In 1842 the editor of the Register collected thousands of them off a willow tree then growing in his garden at Annapolis.

CORR, is quoted in New York and Philadelphia at 75 a 71; in Baltimore at 70 to 72.

DEATHS. During the last week in New York 150, of which 96 were under two years—of cholera infantum 41, of consumption 24, in Philadelphia 166, of whom 36 were under two years, and 13 died of consumption; in Baltimore 54, of which 25 were under two years of age, 9 were free colored and 1 slave; in Charleston, S. C., 13, of which 6 were whites and 7 colored.

Joseph Caldwell, died at Raleigh, North Carolina, on Tuesday the 24th instant, Joseph Caldwell, father of one of the editors of the National Intelligencer, and of the wife of the other. He had completed his eightieth year on the 4th of February last, and appeared to have, so far as health was concerned, been in the enjoyment of the vigor of lengthened years before him, when he was, a few days afterwards struck with a paralysis, under the effect of which he suffered immediate privation of speech, and has been in a languid condition by his Mother-in-law to a better and a brighter world.

Mr. Gales was a native of the village of Eckington, (Derbyshire), in England, and commenced business as a printer and bookseller, when of age, at Sheffield, where he established, in 1787, the *Sheffield Register*. Persecuted on account of his political principles, after publishing that popular paper for seven years, he emigrated in 1794, with his family, to the United States, spending on his way to America nearly a year, and arrived at Philadelphia in August, 1795, beginning business as a printer there, and after a time purchasing from the elder Oswald the establishment of the *Independent Gazetteer*, which he has since conducted with great success. He has since emigrated (afterwards the founder of the *National Intelligencer*) emigrated to North Carolina, in September, 1799, and there established the *Raleigh Register*, which he has since conducted with great success. He has since emigrated (afterwards the founder of the *National Intelligencer*) emigrated to North Carolina, in September, 1799, and there established the *Raleigh Register*, which he has since conducted with great success. He has since emigrated (afterwards the founder of the *National Intelligencer*) emigrated to North Carolina, in September, 1799, and there established the *Raleigh Register*, which he has since conducted with great success.

During this long life of useful labor he maintained an enviable reputation for the most blameless privacy in private life, for devotedness to public duties, and for enlarged benevolence.

His life was sustained with that fortitude and neckless benevolence the Christian faith, of which he was from his youth upwards, a devout professor and follower. Surrounded by his mourning children and grandchildren, he sunk to rest, as a babe to his slumber, in the full hope of waking again to a glorious immortality.

EXCHANGE. New York upon England 84 a 9 prem; on France 55 22; Boston, per Philadelphia 3; Baltimore 2 a 2; Washington 2; Richmond, Petersburg, Raleigh and Wilmington, N. C. 3; Charleston 1 1/2; Augusta 2; St. Louis 1 1/2; Mobile 2 1/2; New Orleans 4 a 4; St. Louis 9; Louisville 7; Cincinnati 8; Nashville 11.

FLOUR, commands from \$6 50 to 7 50 according to brand for shipping, from New York—the supply last week was light—20,000 barrels resold market on the 25th and 26th ult. The inspections last week in Baltimore were 11,596 barrels and 490 half barrels. Prices range from \$6 12 to 6 50.

MATRIAS, the importer, died at Asheville, N. Carolina, on the 21st July, aged 60.

NEW ORLEANS. The interments reported from the 13th to the 15th August are 62, of which 10 were by yellow fever. The report of the 20th says, nine deaths occurred the previous twenty-four hours, of which 3 were by yellow fever. Ten deaths occurred in the same period in Lafayette, all of yellow fever. On the 21st, 15 interments, in the city of which 3 were by yellow fever. Total grand, during the last week, 102. On the 22nd, there were 15 interments, 6 of yellow fever; on the 23d, 12 of yellow fever; on the 24th, 21 deaths occurred, of which 11 were by yellow fever.

POSTMASTERS. According to the report of Mr. White, the post office auditor, there were on the 4th of March last, *three thousand three hundred and thirty-two* postmasters in arrears to the government, for sums varying from a few dollars to many thousands.

PUBLIC LANDS. The quantity of public lands now surveyed and prepared for market, is officially stated to be 8,462,567 acres.

RAIL ROADS. The Boston Transcript publishes the subjoined statement. Longest lines of rail roads, which are completed in—

	Price of the stock.	Length.	Cost.
Grand Junction, 1892 for 100 pl. 57 1/2 miles.	1,906,000		
Great Western, 1836 for 100 pl. 112 1/2 miles.	2,284,000		
London & Birmingham, 1825 for 100 pl. 112 1/2 miles.	5,724,000		
London & S. west, 55 for 100 pl. 112 1/2 miles.	2,284,000		
Records of said rail roads for one week in July, 1841:			
Grand Junction, 1 week ending July 10, 1841.	12,328		
Great Western, 1 " " " " "	10,173		
London and Birm., 1 " " " " "	12,607		
London and S. west, 1 " " " " "	12,607		

The Great Western is just completed. Its last 13 miles were opened 30th June, 1841.

The *Washburne rail road* is doing a steadily increasing business. Fourteen trains a day are now being conveyed by the locomotive President to Harper's Ferry.

The *Hartford and New Haven rail road* has cleared out its ordinary expenses, about \$20,000 within the last two months.

SILVER MINE. The United States Gazette states that the first deposit of silver from a mine of the United States, was made at the mine in Philadelphia this week. It was from a small quantity, North Carolina, and is believed that the mines there will prove very productive. The essay made at the mill showed that 1,000 parts of the bullion contained 973 of silver and 8 of gold.

SLAVES. One thousand dollars are wanted to transfer eighteen negroes to Liberia. Thos. Wallace, esq. of Birmingham, has offered to release them, on condition that eight slaves on condition that the American Colonization society send them to Liberia in Africa.—We trust that the friends of human liberty will not withhold their aid from this noble and patriotic effort to free from slavery and give them a local habitation and a name in the land of their fathers. Less than one thousand is wanted to accomplish this object.

[N. Y. Star.]

SPOTTED FEVER. Fifteen or twenty cases have occurred in Franklin county, Ohio, nearly all of which proved fatal in 24 hours.

STEAMBOAT LINK FROM CHARLESTON TO ETROPE. We are happy to learn that the subscription is filling to the company, for establishing a direct steam communication with England. This measure will do more for the south than any commercial convention—besides calling upon Hercules—it is being Hercules—and we say "inope," strangle the serpent of distrust in your cradle—and your arm will open in strength to crush the Hydra of monopoly hereafter. Celebration over the success of the public spirit which has headed the list with some of our first names. [Charleston Mercury.]

STEAMBOATS. The *Missouri*, whilst lying at St. Louis on the 12th ult, took fire and burnt to the waters edge.—She was considered the fastest boat on the western waters. A man was custody charged as the incendiary.

STOCKS. U. S. bank shares sold in New York on the 27th ult. at 81; on the 29th they brought 101. The notes of that institution are quoted at 30 to 37 1/2 discount. Illinois 6's of 1850 sold at 55; Indiana sterling bonds at 56 1/2.

TALLOW. According to the last dates, is restored to health. No new case of fever reported for ten days.

TOBACCO. The inspection of last week at Baltimore comprised 1,040 lbs. Maryland, and 259 Ohio. The finer sorts of Maryland are quite in demand. Inferior and common do not sell so well. The market is said to be maintained former quotations fully and the demand has rather improved—common to middling 84 50s 25; good 85 50s 50; fine red and wrappry 82 1/2; fine yellow 80 1/2; and extra wrappry 81 1/2.

VOTED BY THE PRESIDENTS. The veto power was exercised by Gen. Wm. Harrison, April 1, 1792.

exercised by Gen. Washington,	April 5, 1792
do	March 1, 1797
By Madison,	Feb. 21, 1811
do	" 28, 1811
do	Nov. 6, 1812
do	Jan. 20, 1815
By Monroe,	May 4, 1822
By Jackson,	May 31, 1831
do	Dec. 7, 1831
do	July 10, 1832
do	Dec. 6, 1832
do	Dec. 1834

WESTERN NATIONAL ARMY. At a public meeting of the citizens of Pittsburgh, held last week, the following named gentlemen were appointed a committee for the purpose of collecting facts to lay before the president, in order to show the superior advantages of Pittsburgh, as a location for a national armory: Harmer Denny, Richard B. Smith, John Warden, J. H. Shoenberger, and N. B. Craig, esqrs.

The Pittsburgh board of trade have appointed the following gentlemen a committee to act in conjunction with that named: Wilson McCandless, William Eichbaum, and James May, esqrs.

WHEAT commands from \$1 32 to \$1 36 in the New York market. The sales of last week were 1,000 bushels at \$1 32, (Michigan), August 19th, about 1,000 bushels received per year—price 68 cents cash.

At Alton, Illinois, 7th August, "what is considered as market in grain advertisement." The quality was never finer—price 68 cents bushel.

The Buffalo Advertiser says that much of the wheat arriving there is from Illinois, of the new crop, the quality of which surpasses that of former seasons. It is the various ports on Lake Erie wheat is in demand at \$1 10 per bushel.

The Western Farmer, published at Detroit, says of the crop in Michigan: Most of our farmers have got through with their winter harvest, and secured their hay crops. We have letters before us from nearly every county in the state, which are truly encouraging to the prosperity of Michigan, and demonstrate beyond a doubt, that the Peninsula state has added greatly, even to last year's supply. Her surplus, which cannot be less than three millions of bushels, and if present prices are maintained, our friends this season will reap a rich reward as the fruit of their labor.

The export of flour and wheat from Montreal and Quebec to the United Kingdom, during the present year, up to August 31, inclusive, has been 155,243 barrels of flour, and 219,290 barrels of wheat. The provinces of British North America and the West India, 7,876 barrels of flour, 17,130 barrels of pork, and 2,571 barrels of beef.

NILES' NATIONAL REGISTER.

FIFTH SERIES.—No. 2.—VOL. XI.]

BALTIMORE, SEPTEMBER 11, 1811.

[VOL. LXI.—WHOLE No. 1,563.]

THE PAST—THE PRESENT—FOR THE FUTURE.

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CONTENTS OF NO. 2, VOL. 11.

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PRESIDENT TYLER'S VETO MESSAGE.
APPOINTMENTS by the President; Diplomatic items; Loans taken; Treasury notes outstanding; Trade with *Tahiti*; Trade of the United States with Great Britain; Public lands not yet advertised for sale—reasons why; Revolutionary remittance.

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NILES' NATIONAL REGISTER.

THE SECOND VETO MESSAGE of President TYLER, was sent to the house of representatives on Thursday last, with the FISCAL CORPORATION BILL, which originated in that house and finally passed both houses on the Friday preceding. The message is inserted in this number, page 18. On motion of Mr. *Morrison*, the house agreed to reconsider the said bill yesterday at 12 o'clock.

THE FORTIFICATION BILL is postponed until next session.

The amendments of the house to the *Revenue Bill* were all agreed to, in senate on Thursday, except the one which provides that no duty that may be laid by virtue of the 2d section, shall exceed 20 per cent ad valorem, which, on motion of Mr. *Clay*, was disagreed to, and a committee of conference was ordered.

A very unpleasant scene occurred in the house of representatives on Thursday, between Mr. *Wise*, of Virginia, and Mr. *Stanley*, of North Carolina, in consequence of which a committee to inquire and report thereon was adopted, in place of a resolution to expel. It was announced in the house on yesterday, that the difference had been amicably settled between them—as well as a difficulty which occurred in debate that day between Mr. *Batts* and Mr. *Gilmer*, of Virginia.

Passengers by this morning's cars state that Mr. EWING, MR. CHITTENDEN, MR. BELL and MR. BAGGER of the cabinet have resigned, and Mr. GRANGER and probably Mr. WEBSTER will do so also.

FOREIGN ARTICLES.

A postscript inserted in our last, apprised most of our readers of the arrival, at Boston, of the steamer *Britannia*, with Liverpool dates to the 19th August, and of the general scope of the information brought by her. An article appeared in the *London Morning Herald* of the 14th, giving as rumor, that five sail of the line were immediately to be fitted out to proceed to our coast, and here to be joined by ten others ordered from squadrons already abroad, in order to second Mr. Fox's demand for the immediate surrender of McLeod. Although this improbable story was subsequently contradicted by the *Globe*, the ministerial organ—and the fact that sir C. A. Adams was to take with him only one line-of-battle ship and

the Pique frigate, to replace two vessels of the same rates, which are recalled, was distinctly announced, and all was quiet on that topic before the *Britannia* left—yet the article was seized upon in our cities by some of the penny presses, and immense editions of it diffused among the community. From present appearances, such a movement on the part of Great Britain would furnish almost the only chance that McLeod has of being hung. Let us alone, and he will have a fair chance for every loop-hole of the law, as well as for justice; but an attempt to intimidate, might make us so determined to measure up to the utmost line of strict justice, that we could hardly avoid, like the Indian, leaning a little beyond.

GREAT BRITAIN.

NEW PEERS. A party about to resign the sceptre of power in England, usually exercise their influence in providing for themselves and their friends.

The Gazette of the 13th announced the creation of six new peers. The earl Survey has been called to the upper house by the title of Baron Maltravers. A peerage of the United Kingdom has been conferred on the earl of Stair, who will take his seat at Baron Oxenford, of Cusland. Peerages of the United Kingdom have also been conferred on the earl of Belfast, who will sit as Baron Ennismore and Carrickfergus; and on the earl of Kenmare, who will take his seat as Baron Killybegs. Sir Richard Hussey Vivian, bart. has been raised to the peerage by the name, style, and title of Baron Vivian, of Glyva and of Truro; and sir Henry Brooke Parnell, bart. has been created Baron Conington of Conington. Her majesty has also been pleased to raise lord Segrave to the dignity of an earl, by the name, style and title of Earl Fitzhardinge. A similar honor has been conferred upon lord Barham, who has been created a baron, viscount, and earl of the United Kingdom, under the name, style and title of Baron Noel of Ridgling, Viscount Camperdown of Camperdown and earl of Grainsborough.

ELECTION OF THE PEERS OF SCOTLAND. On the 6th ult. the election of the sixteen representative peers of Scotland took place in the picture gallery of the palace of Holyrood. The following were the peers elected: The marquess of Tweeddale, the earl of Morton, Elgin, Airlie, Leven and Melville, Selkirk, Orkney and Seafield; viscounts Arbutnot and Strathallan; lords Forbes, Saltoun, Sinclair, Colville (of Culross), Keay and Kello; and the marquess of Eglinton. The only alterations were the substitution of the earl of Seafield and lord Rollo for the earl of Home and lord Gray, who retire by their own consent.

FRANCE.

The trial of Madame Lafarge for stealing the diamonds was over, she was found guilty and the diamonds were ordered to be restored to the Letond family, who would pay the costs as the plaintiffs in a civil action; having an ulterior remedy against Madame Lafarge.

The following statistical account of the cod fishery of France is given in the *Constitutionnel*: "The cod fishery employs annually 400 French ships, measuring together 50,000 tons, and manned by 11,000 sailors; also, 300 transports or coasting vessels, with 2,000 sailors; so that it maintains 600 ships and 13,000 men. France possesses 205 myriameters, or about 450 leagues of coast; and there was a time when the French fishery on the Banks of Newfoundland was sufficiently extensive to supply nearly the wants of all Europe, and to man the whole of the French navy. But in consequence of the treaty of Utrecht in 1713, that of Vervins in 1753, and the cession of Canada, France was reduced to the confined right of fishing on the eastern and western coasts of the island of Newfoundland, without the power of establishing any dwellings or building upon land, except such huts and scaffolding as are absolutely necessary for drying and curing the fish. Under such circumstances, it is evident that France can never compete with the English fishermen, who have the advantage of being close to the coast, and to the open shores, who have the advantage of being close to the open shores. As shelters for her ships, she possesses only the small islands of St. Pierre and Miquelon,

which are but bare rocks, which must be constantly supplied from without with every necessary, even firewood. The maintenance of the French fishery, therefore, depends upon the encouragement it receives from the government; otherwise it would almost entirely cease to exist, and a nursery for 13,000 sailors would be filleted. In 1780 the French lists of able seamen contained 100,000 men. In 1815 the number was reduced to 33,000. In 1836 it increased to 90,511, and in 1840 to 98,706. This augmentation has been derived chiefly from the expansion of the cod fishery, which, in consequence of the encouragement it has received, increased from 30,954 tons and 8,108 men, in 1816, to 54,995 tons and 11,499 men in 1839. Besides the ships expressly fitted out for the fishery, there are between 60 and 50 other vessels employed in conveying cargoes of cod from the Banks to the colonies. There is likewise a number of transports engaged in carrying between 25,000,000 and 30,000,000 kilograms (50,000,000 and 60,000,000 lbs.) of salt, and also of pitch tallow, and all the other necessary provisions for 13,000 men during eight months of the year. This keeps annually employed about 50,000 tons of shipping. It may be said, therefore, without exaggeration, that the cod fisheries furnish France with 12,000 able seamen, being nearly one-fourth of the whole number required for her navy, but at the same time insufficient to man her fleets in time of war. No other part of her sea-going trade could produce a similar result, as it would require 170,000 tons of colonial merchandise to supply the 12,000 sailors furnished by the cod fishery. The loss of Saint Domingo deprived France of the employment of 167,655 tons of shipping, and still her trade with that island engaged no more than 9,855 men."

BELGIUM.

THE BRITISH QUEEN STEAMSHIP. This fine steamer has been sold by the British and American Steam company to the Belgian government. We have not heard the amount of the purchase money. She is now getting ready for sea, and will sail about the end of the present month, under the command of Mr. Keene, who navigated the ill-fated President on her second voyage to and from New York, for Antwerp. It is not yet ascertained what the Belgian government means to do with this noble steamer: it is supposed, however, that she is destined to open and continue a communication between Belgium and the U. States. [*Liverpool Albion*, 16th ult.]

UNION OF BELGIUM WITH FRANCE. Many of the foreign papers, English, French and Belgian, are discussing the expediency of a union of Belgium to France, with some earnestness and warmth.

The *Frankfort Journal* argues that neutrality alone can keep up the Belgian monarchy, and a union with France would extinguish this, whilst a communication with Germany will in no wise affect Belgian independence. The Brussels independent shows that Belgian commerce is in no suffering state:

"From 1834 to 1838, the consumption of foreign produce in Belgium rose only from 182 to 201 millions of francs, whilst the exportation of Belgian manufactures rose from 118 to 156 millions. The exportation of manufactures from Belgium, proportioned to the population, is double that of France, and within one-fifth of that of England. How can Belgium be said, then, to be in a suffering state, or to be in such imminent need of extreme remedies?"

On the subject of the commercial union between France and Belgium the *quotidienne* says—

"In suppressing the customs barrier between the countries, we have all the duties of export and import between us and Belgium, being nearly nine millions of francs in 1839. Besides, we take charge of guarding the frontier of Belgium. The Belgians are four millions of manufacturers, capable of supplying 100 millions with the products of their looms; and in France, the Belgians get 33 millions of francs, and whilst France gets in exchange only four millions of consumers."

The *Courier* replies to this, that the duties on the Belgian frontier are in a great measure levied on English products, sent round through Belgium. The Belgians, though few, are great consumers, and their four millions are in this respect fully equal to eight.

the interests of the country, and fully answer its just expectations. It has been my good fortune and pleasure to concur with them in all measures except this; and why should our difference on this alone be pushed to extremes? It is my anxious desire that they should not be. I too have been burdened with extraordinary labors of late, and I sincerely desire time for deep and deliberate reflection on the greatest difficulty of my administration. May we not now pause until a more favorable time, when with the most anxious hope that the executive and congress may cordially unite, some measure of finance may be deliberately adopted promotive of the good of our common country.

I will take this occasion to declare that the conclusion to which I have brought myself are those of a settled conviction, founded, in my opinion, on a just view of the constitution—that at arriving at it, I have been actuated by no other motive or desire than to uphold the institutions of the country as they have come down to us from the hands of our God-like ancestors—and that I shall esteem my efforts to sustain them, even though I perish, more honorable than to win the applause of men by a sacrifice of my duty and my conscience.

JOHN TYLER.

Washington, September 9, 1841.

APPOINTMENTS BY THE PRESIDENT.

By and with the advice and consent of the senate.
Theodore H. McCulloch, judge of the U. States in the district of Louisiana.
Edward Brooks, collector of the customs at Detroit, Michigan.

DIPLOMATIC. COL. CHIEW, late charge d'affaires of the United States at St. Petersburg, and Mr. BENJAMIN REYNOLDS, who has been for several years secretary of legation from the United States at the court of St. James, sailed in the *Susquehanna*, on the 10th ult. for Philadelphia.

ALLEN M. HALL, esq. the newly appointed charge d'affaires, arrived at Laguna on the 9th of August, after a passage of 18 days from Philadelphia, in the brig *Rowena*. The next day he proceeded to Caracas, a few miles distant where he contemplates establishing his residence.

THE LOAN. The secretary of the treasury has obtained the one million of dollars, lately advertised for, at 5½ per cent. per annum.

TREASURY NOTES. *Treasury Department, September 1, 1841.* Amount of treasury notes issued under the provisions of the acts of congress of 1837, 1838, 1839, 1840, \$26,681,337 53
 Redeemed of those issues 24,864,363 64

Leaving outstanding \$1,816,973 89
 Issued under the act of 1841, viz: Prior to March 4, 673,681 32
 Since March 4, 4,973,251 58
 Redeemed of that issue \$,646,939 90
 Leaving outstanding 139,366 30
 Making an aggregate outstanding of \$7,264,640 49
 T. EWING, Secretary of the Treasury.

AMERICAN TRADE. Seventy-nine American ships visited the island of Tahiti, during the year 1840, the tonnage of which amounted to 24,757 tons, and employed 1,885 seamen. The ships employed off and on were not included in the number.

TRADE OF THE UNITED STATES WITH GREAT BRITAIN. But few persons not familiar with the subject are aware, says the *Boston Mercantile Journal*, of the immense amount of trade which is every year carried on between this country and Great Britain, and which is clearly exhibited in the following table, which also shows that this country takes from Great Britain, in manufactures, on an average of years, the whole value of the produce exported to that country.

Value (in dollars) of exports from Great Britain and Ireland to the U. States.	Value (in dollars) of exports from Great Britain and Ireland to the U. States.
1831 26,329,352	24,539,214
1832 30,810,995	36,921,265
1833 32,363,450	37,845,824
1834 44,915,067	47,942,907
1835 52,180,977	61,249,527
1836 57,275,213	78,645,968
1837 58,663,797	84,866,943
1838 52,176,610	44,861,973
1839 59,296,122	65,964,588

PUBLIC LANDS NOT YET ADVERTISED FOR SALE.—REASONS WHY.—The communication of the secretary of the treasury to the senate on the 23d ultimo, covering a report from the commissioner of the general land office, made in compliance with a resolution of the senate of the 15th ultimo, calling for the amount of lands surveyed and ready for sale since March, 1841, represents an aggregate quantity of 8,403,567 acres, surveyed and prepared for market, not yet advertised for sale.

The notes appended to the report show that, of the aforesaid aggregate, the greater portion, lying in eight states and territories, is suspended (among other causes) either by the operation of law, being land reserved, or by reason of not being attached to any land district, and which, therefore, cannot be offered for sale until the action of the legislature shall positively so order. One or the other of these causes hold up all the unoffered lands in *Indiana, Missouri, Alabama, Wisconsin and Iowa.*

In *Illinois*, we understand, that, with the exception of 100,000 acres, the residue of the 1,053,346 acres represented in the table, are lands which were once proclaimed for sale on the 18th of February, 1841, to be offered in the present month, but which were withdrawn from market on urgent representations from the inhabitants of the detriment to them which would ensue if the sale should be insisted on.

It may be added that the table shows a large quantity of surveyed land in *Michigan*, 2,069,098 acres, opposite to which no note has been made. As showing the probable availability to the purposes of revenue of lands in that state, it is to be remarked that, of some millions of acres offered for sale in the last year in that state, only a few hundred acres, we understand, were bought up, and those at the minimum price.

ABSTRACT OF THE REPORT.

The quantity of public land surveyed and prepared for market, not yet advertised for sale, is put down at 8,463,567 acres.

Indiana, - - - - -	311,365 acres.	[1]
Illinois, - - - - -	1,053,346 do.	[2]
Missouri, - - - - -	4,754,343 do.	[3]
Alabama, - - - - -	161,229 do.	[4]
Mississippi, - - - - -	2,174,707 do.	[5]
Louisiana, - - - - -	233,873 do.	[6]
Michigan, - - - - -	2,069,098 do.	
Arkansas, - - - - -	495,408 do.	
Wisconsin, - - - - -	157,969 do.	[7]
Iowa, - - - - -	694,229 do.	[8]

[1.] Former Miami reservation—not attached to any land district.

[2.] About 100,000 acres of this land withheld from sale—supposed to contain lead mineral.

[3.] Late northwestern addition to the state—not attached to any land district.

[4.] Late Cherokee cession—not attached to any land district.

[5.] Withheld from sale until certain Choctaw claims, under treaty of 1830, shall be adjusted.

[6.] These lands adjoin the Texian territory—withheld from sale until the line dividing Texas from the United States shall be established.

[7.] Withheld from sale, as being situated in the lead region.

[Nat. Intelligencer.]

REVOLUTIONARY REMINISCENCE. The ceremony of reintering at Rochester, the remains of Lieutenant BORN and his gallant associates, who fell in fight with the Indians on the Genesee river during the revolutionary war, took place a few days ago.—By the accident in the paper it must have been an imposing display. The fine military companies, of which Rochester and the adjoining country boast, were out, and an immense concourse of citizens were in attendance.

ARMY OF THE UNITED STATES.

DINNER TO COL. BAYNEHEAD and the officers of the 2d regiment artillery. The citizens of Buffalo on learning that the second regiment of U. S. artillery, under command of Col. B., were ordered from hence to the Atlantic coast, addressed a warm friendly letter and an invitation to them, to partake of a public dinner, which was col. B. Blossom, president, H. Seymour, jr. vice president, Col. Crane, of the 4th artillery, and several other invited guests were present. The band of the second contributed to enliven the scene. A number of spirited toasts were given and some excellent speeches made. The whole passed off admirably. On the 13th the regiment embarked in thirteen canal boats for the seaboard.—By their stations are assigned in the army of the north.

Companies F and I, under command of Maj. Payne, arrived at Newport, R. I. Aug. 25, in the steamboat Massachusetts, from New York, and will garrison Fort Adams.

4th artillery. Four companies arrived at Buffalo a few days since, in the steamer *Buffalo*, in 22 hours from Detroit. 1. Company, capt. J. M. Washington, and F. Company, lieut. R. C. Smead com'g, remain at Buffalo. D and K companies proceed to Sacket's Harbor.

GENERAL ORDERS, NO. 43.

Head-quarters of the Army, Adjutant General's Office, Fort Hamilton, New York, July 20, 1841.

I. The 4th regiment of artillery will take post as follows:

Fort Brady, one company; Fort Mackinac, one company; Detroit frontier, three companies; Cleveland, one company; Buffalo, two companies; Madison barracks, two companies.

II. On being relieved by the 4th artillery, the whole of the 3d regiment of the same arm will proceed to the seaboard, and take post as follows:

Fort Columbus, two companies.

(Head-quarters of the regiment.)

Fort Hamilton, one company; Fort La Fayette, one company; Fort Adams two companies.

(Under the major.)

Fort Millin, one company.

Not to take post earlier than the 1st Oct.

Fort Monroe, three companies.

III. On the arrival of the new garrison at Fort Columbus, capt. Dimick's company D, 1st artillery, will proceed to the east, and be posted by brigadier general Eustis, commanding the northern department of the eastern division. By command of maj. general Scott, T. H. TAYLOR.

Assistant Adjutant General.

TRIBUTE TO WORTH. The officers of the army on duty at St. Augustine have been required to perform the last solemn rite on earth to the remains of their late friend and brother, Dr. C. NOYES, assistant surgeon, who died on the 26th instant, another victim from among us to the climate, a long tour of service in a debilitated state, and the privations incident to the interior of Florida.

In communicating this bereavement to the relations and friends of the doctor, and to the army, with our condolence, we have the more agreeable duty also of expressing our sincere and high respect for the deceased for his high attainments, moral worth, and the enduring reputation he attained by persevering devotion to his professional duties; and for respect to his memory we will wear arae for one month.

S. CHURCHILL, major 3d artillery.
 W. L. McCLINTOCK, major U. S. A.
 CHARLES MARX, P. M. U. S. A.
 C. ANDREWS, P. M. U. S. A.
 G. H. CROSSMAN, A. Q. M.
 S. P. HEINTZELMAN, capt. and A. Q. M.
 C. A. WAITE, capt. and A. Q. M.
 BRAXTON BRADG, 1st lieut. 3d art.
 W. A. BRADY, 1st lieut. 3d art.
 HENRY B. JUDG, 1st lieut. 3d art.
 WM. GILHAM, 2d lieut. 3d art.
 St. Augustine, (E. F.) July 27, 1841.

THE NAVY.

The publication of the *Army and Navy Chronicle* has been resumed. In the number published 2d Sept. the public are told that the statement which first appeared in the *Pensacola Gazette*, as "made up" by a naval officer and presented to that paper for publication, and has been extensively copied into other papers, purporting to be a list of the U. S. navy, is a mere transcript from the last official Naval Register. The editor adds: "There are on that list the names of vessels that have no existence, except upon paper—some that are rotten, to repair which would cost as much, if not more, than to build new ones—some that are not fitted for cruising ships—and several that are on the stocks."

The last annual report from the navy department does not exhibit the actual condition of each particular ship. We can therefore only give from our own information, their present state. We do this, that people may not be led astray into a belief that our navy, which looks so large upon paper, is as extensive as it appears to be.

Ships rotten and unfit for repairs.—Franklin and Washington, 34; Java and Hudson, 44.
 Broken up and not in existence.—Guerrerie, 44; Natchez, 30.

Converted into store ships.—Lexington, 20; Erie, 18. Not fitted for cruising vessels, (particularly in war time).—Varen, 20; Pioneer and Consort, briggs; Relief, store ship."

By a letter from the secretary of the navy to Samuel Breck, esq. Philadelphia, it is announced as the purpose of the department to retain the steam frigate *Mississippi* in the Delaware for the protection of the city.

TEMPERANCE MOVEMENT FOR THE NAVY. Many of the crew of the U. S. ship Ohio, having been seen in the streets of Boston intoxicated, memorials have been put in circulation to stop "the grog" in our national ships. [Boston paper.]

APPROPRIATIONS FOR THE NAVY. The following statement which we derive from a speech of Mr. King of Georgia, shows the amount of appropriations for the navy in different years, and the number of guns afloat.

Year.	Appropriated.	Guns afloat.
1836	\$7,011,055	462
1837	8,185,710	554
1838	5,502,430	530
1839	5,502,430	606
1840	5,155,120	882
1841*	7,339,943	1,007

In 1800, with a population of 5,305,000 and 669,000 tons of registered tonnage, we had 876 guns afloat; in 1841 our population is 17,000,000 our tonnage 2,960,000, and yet our guns are less than in 1800. This shows how far our naval force is from keeping up with the growth of the population and the commerce of the country. Applying the same ratio of defence at this day which existed in 1800, we ought to have 2,000 guns afloat. [Newark Daily Ad.]

The Boston Mercantile Journal states that the frigate *Massachusetts* and sloop of war *Vanderburgh* received orders to sail immediately on a cruise; and that further orders have been received, to get ready for sea, not only the Ohio, but the frigate *Columbia*, the sloop of war John Adams, and the schooner *Drumcutt*. The *Columbia* will probably require extensive repairs, and of course, will have to go into the dry dock, where the *Erie*, altered into a store-ship, is now undergoing repairs. The John Adams has been lying at the yard, ready for sea, many months.

It is said that capt. T. Ap Catesby Jones will be appointed to the command of the Pacific squadron. [Boston Mer. Journal.]

The U. S. frigate *Brandywine*, from New York via Lisbon, arrived at Cadiz, August 1.

The U. S. ship *Freble* was at Gibraltar August 8, having sailed July 28, from New York.

The U. S. schooner *Van Buren* sailed from Baltimore on the 6th for the Florida station.

On the 7th, the U. S. schooner *Phoenix*, built under the superintendence of Lieut. J. T. McLaughlin, and destined for the Florida service, was launched from the ship yard of Mr. M. Gardner. The vessel, together with the *ships*, Flirt, Wave, Otsego, and Madison, and the brig Jefferson, with a detachment of one hundred marines, compose the squadron to be employed in Florida under the command of Lieut. McLaughlin.

Officers of the Van Buren.—Jno. B. Marchand, lieutenant; H. A. Wise and Alex. Murray, P. midshipmen; Nicholas Niles, Geo. W. Rodgers, midshipmen; V. L. Gordon, ass't surgeon; James Maguire, 2d lieut. marines; R. Marshall, captain's clerk.

Officers of the Phoenix.—C. St. George Noland, acting lieut. comd'g; J. Nicholson Barney, Edward Donnan, passed midshipman; E. A. Barnett, midshipman; Samuel Hollins, captain's clerk.

A DELICIOUS SCENE. We understand that captain More, of the U. S. ship *Albatross*, recently, for the first time since his station at this place, shipped a crew on board his vessel. At night, he informed them that he was in the habit of reading his Bible every night, and if they chose, they might join him; and all, with one accord, came forward, so that the open skylights of the cabin were surrounded with heads, intently listening to the voice of their commander, as he read the word of life. He then commended them to God, and bid them good night.—Soon after, there came along a pleasure boat, with a party of gentlemen and ladies, who were engaged, agreeably to the apostolical injunction, being merry, in singing Psalms. As they came near, some of the crew sung out, "captain, we know that tune!" "Well," replied he, "strike the next verse." So they all struck in, and sung the following verse with great enthusiasm, and the compliment was returned from the boat with waving of handkerchiefs, &c. As the boat, passing round, again neared the ship, the sailors called out, "captain, we know the missionary hymn!" "Well, then, sing it," he replied. So they struck up, at the top of their voices—

"From Greenland's icy mountains, &c."

And thus, instead of the evening being passed in the fore-castle, singing obscene and profane songs, as often it is with seamen, they were lingering about the captain's door, singing hymns, till time to "retire in."

[Boston Recorder.]

"If all the bills now before congress making appropriations for the navy, become laws.

The French brig of war *Dunois* arrived at Pensacola on the 18th ult. in 21 days from Vera Cruz. She will await there the arrival of the corvette *La Sabine*, and probably both vessels will remain there during the hurricane season. All well on board the *Dunois*.

STATES OF THE UNION.

MAINE.

THE REVISED CODE, which went into operation on the 1st inst. contains sundry new enactments of which the citizens of this state ought immediately to be apprised.

1st. All notes, bills of exchange and orders, payable at a future day or at sight, and not on demand, are entitled to three days grace. If, however, the third day happen on Sunday, or on the days of the annual fast or thanksgiving, or fourth of July, the grace will end on the second day. And if the third day shall happen on Monday, and the fourth of July happen on the same day, the days of grace are to end on the day following; and if the third day of grace happen on Sunday, and the fourth of July happen on the Saturday previous, the grace will end on the Monday following.

Any note, bill or order, whether foreign or inland, may be protested, if dishonored; and the protest, being under the hand and official seal of the notary, and containing a statement of the demand, refusal and notice, will be legal evidence of those facts, in any court of this state.

The notary, for each such protest, duly recorded, is entitled to a fee of one dollar and fifty cents, which is paid when the bill is charged on the drawers.

In reference to the statute of limitations, no new promise will prevent its operation, unless the same be put in writing. Partial payments, however, if within six years, may operate as formerly; but the endorsement of the same, if relied upon as evidence, must not be in the hand-writing of the promisee or of his agent.

In reference to the law of the road teamsters and others are forbidden to leave their teams and carriages in the highway without the presence of the driver or some one to guide the same.

And drivers of stage coaches with passengers are punishable by fine or imprisonment, if they leave their teams unhitched, or without being under the immediate care of some one.

[Portland Advertiser, Aug. 14.]

NEW HAMPSHIRE.

GEOLOGICAL SURVEY. The Burlington Free Press says: "We have recently had a visit from Dr. Jackson, our distinguished chemist and geologist, who is now employed in the geological survey of N. Hampshire. He took, whilst here, a cursory survey of some of the localities most remarkable for scientific inquiry as connected with a chain of scientific inquiries on the geology of the country eastward from the Connecticut river to the gulf of St. Lawrence and the Atlantic coast.

Dr. Jackson has already extensively collected valuable data for the solution of important problems demonstrative of the formation of the American continent. His geological surveys of Nova Scotia, Maine and New Hampshire, have afforded him a connected series of observations which we should wish to see carried westward through Vermont, and connected with the basins of the great lakes and the bed of the Mississippi. The acknowledged skill and experience of Dr. Jackson in the various branches of science connected with geology, we mean chemical analysis and metallurgy, would render his geological investigations in this state of great public interest and importance."

DIVORCE LAW. The legislature has, it seems, passed a law that will give great delight to all covetors of matrimonial abolition, and be hailed by every wide desirous of speedy passage from legal wedlock to the free and easy shores of single blessedness.

The statute provides that the wife of an alien, or citizen of any other state, who shall have resided in New Hampshire for two years together, and her husband during that time shall not have come into that state and claimed his marital rights to the person and property of his wife, may apply for her divorce, and on satisfactory proof of the fact, a divorce shall be decreed. During the separate residence she is to have and retain an exclusive custody and guardianship of minor children born in this country and living with her. This law fits the D'Hauteville case so fully in all particulars, that it is almost impossible to escape the suspicion that it was passed with an express view to it. There are certain cases that will not altogether conclusive against, for the husband will ne-

ver follow his wife into New Hampshire or any where else, for the purpose of preventing a divorce, or even a worse calamity. In this view of the case, the lady of the reverend gentleman in Connecticut, has we dare say, found the very spot for her wishes.

MASSACHUSETTS.

BOSTON ICE TRADE. There are sixteen companies now engaged in the business of shipping ice in Boston. They formerly sold ice in New Orleans at 6 cents a pound; but now sell it at one cent, and by the consequent increase of consumption and the quantity prevented from melting by the dispatch of sales, they make four dollars now to where they made one formerly. The ice is sawed into square blocks not less than 12 inches thick, and is packed into vessels with straw and hay, boxed with thin lumber made air tight. One Boston company paid \$7,000 last year for the straw and hay they used for packing.

BOSTON AND MAINE RAIL ROAD. This rail road is advancing step by step towards completion. It is but a short time since it made an advance from Exeter to Newmarket. The rails are now laid between the latter place and Dover, and a train of cars went over the road to that place on Wednesday last, and it will be soon opened thus far to the public, making a distance of 67 miles from Boston. The line for this distance consists of part of the Boston and Lowell rail road, 15 miles—the Boston and Portland to the New Hampshire line, 20 miles, and the Boston and Maine to Dover, 32 miles. We understand that it is to be further continued the present season to the state of Maine, at Great Falls.

VERMONT.

COMPLIMENT. A few days ago, while the fortification bill was under discussion in the United States senate, Mr. Phelps, of Vermont, advocated an amendment in favor of fortifying the frontier of that state and taking some care of Lake Champlain. He adverted to what had been done by the Green Mountain boys in the late war, &c. After he had concluded, Mr. Preston rose and said that "what he had just heard from the senator had certainly left him in some doubt as to the propriety of that state, and taking some care of Lake Champlain. He said, however, no where could they be so with less detriment to the country than in Vermont; the spirit of her Green Mountain boys would make every pass in her hills a Thermopylae and every cove a Salamis!"

CONNECTICUT.

BANKS. There are thirty-one banks in Connecticut. Their aggregate assets are \$10,300,000; their liabilities, \$2,506,258; their surplus \$320,092. The Hartford bank has \$77,000 stock; the Phoenix do, \$50,000; the others from \$2,500 to \$33,000.

There are rumors in circulation detrimental to the Stanford bank of Connecticut. The commissioners, in their recent report, state that the bank was not in a condition to declare a dividend, notwithstanding which a dividend was declared of \$1 per share, report says, out of the capital.

NEW YORK.

STATE CANALS. There are but few subjects of public importance in which the people of this state should be so generally and so actively engaged as in the canals constructed by the state. It is gratifying to the friends of our system of internal improvement, to observe and note its triumphant success.—But few however, are aware of the fact that the Erie and Champlain canals, with all of the lateral canals, (except the Genesee Valley and Black River, which are as yet completed) are paid for from the funds already provided for that purpose. This will leave the present and future internal improvement debt of the state to amount to about the cost of the enlargement for the Erie canal, the construction of the Genesee Valley and Black River canals, and other improvements.

The following statement will be found interesting, inasmuch as it presents a view of the operations of our canal system from its commencement in 1817 to Sept. 30, 1840. Since then a large balance has accrued in favor of the canal fund.

ERIE AND CHAMPLAIN CANALS.

	Payments.
Cost of construction	\$10,035,132 62
Repairs	4,343,035 64
Cost of collecting tolls, &c.	382,892 29
Interest on stocks	5,382 25
Premium on stocks purchased	338,386 55
Miscellaneous	1,051,912 77
	21,927,471 39
Balance in favor of E. & C. canal fund	4,395,473 84
	\$26,325,945 23

	Bushels.	Value.
Wheat	12,995,320	\$12,995,320
Rye	6,544,654	3,926,793
Barley	206,838	155,144
Oats	20,485,438	5,121,712
Buckwheat	2,082,012	1,041,006
Indian corn	14,022,413	7,011,306
Potatoes	9,463,463	2,365,564
	65,801,463	\$32,616,945

	Pounds.	
Butter sold in 699 townships	8,291,835	
Estimated sold in 361 townships	3,808,165	
Butter consumed by producers	36,000,000	

Cheese sold in 699 townships	50,000,000	12,500,000
Estimated sold in 361 townships	3,857,080	
Consumed by producers	1,142,920	15,000,000

Milk more than	20,000,000	1,500,000
Orchards and gardens more than		1,000,000
Beef sold in 699 townships		3,000,000
Estimated sold in 361 townships		35,335,196
Lumber, pine sawed, in 699 townships	14,464,804	
Consumed by producers, say three-fourths	150,000,000	

Pork sold in 699 townships	200,000,000	14,000,000
Estimated sold in 361 townships	19,892,312	
Consumed by producers, say four-fifths	10,107,688	

Mutton and veal estimated	150,000,000	10,500,000
Poultry and fish estimated		9,500,000
		2,000,000

Total value of food	\$86,616,945	
Value of 1,384,677 tons of hay	12,846,770	
Value of 3,028,647 pounds of wool	1,211,455	
Lumber, pine sawed, in 699 townships sold	238,511,400 ft.	
Estimate in 361 townships	161,385,600 "	
Estimate unsold	400,000,000 "	

Unswaid timber, shingles and staves sent to market in 699 townships	500,000,000	8,000,000
Estimated sold in 361 townships	\$342,068	
Estimated consumed at home	157,932	1,500,000

Other agricultural products	2,000,000	2,000,000
		15,000,000

Annual value of agricultural products in the state	\$125,684,173	
Value of pig bar and east iron	14,000,000	
Value of anthracite coal mined	5,000,000	
Value of bituminous coal	4,000,000	
Value of cotton, woolen, iron, leather, hats, engines and other manufactures—at least	13,000,000	

Total value of annual products	\$161,685,173	
This it will be seen that the annual products of the state exceed one hundred and sixty-one millions of dollars—one per cent. on which will pay the interest on our state debt.		

The state has laid a tax, which is estimated by Wm. B. Reed, an intelligent state senator from Philadelphia, to produce annually \$1,890,000; more than enough to pay the interest on our debt. The tolls on our public works will this year exceed a million of dollars, which sum will from year to year increase, and the dividends from bank stock, auctions, &c. will far more than defray the expenses of the government. Where then is the cause for alarm or despondency? Besides all this, the bill for the distribution of the proceeds of the public lands among the states, must pass congress, and Pennsylvania will be entitled to a tenth of the whole. The quantity of public lands to which the Indian title is extinguished, after deducting the reserves to the new states, and which remains unsold, exceeds 220,000,000 acres, and the quantity to which the Indian title has not yet been extinguished exceeds 730,000,000.

To conclude who does not feel proud of this picture of Pennsylvania? She has all the resources of a great nation within herself, for happiness in peace, for power in war. She is capable of maintaining 30,000,000 of people within her borders, of feeding and clothing them herself, and making the surround-

ing states her tributaries. Her water power upon the Susquehanna and her hundred branches, upon the Delaware and Schuylkill and their tributaries, and upon the streams that make up the Allegheny and Monongahela, is capable of performing the labor of 400,000,000 men. What her steam power can do in her anthracite coal fields, and upon her 10,000 square miles of bituminous coal lands, let the seafarers at her credit calculate. Notwithstanding the suicidal stabs at our credit by a coalition of the Philadelphia press, she paid her semi-annual interest in specie on the first day of August, and this in the very crisis of the financial difficulties of the country, before our tax could be made available. A safer and better investment cannot be made than in the public stocks of Pennsylvania. They are based upon resources that will be permanent forever. Those who depreciate them, are either ignorant of their value or dishonest enough to speculate upon the timid. There are no people in the world who have so many advantages and so few burdens. The public debt is a trade in this rich and powerful commonwealth. We can pay it and never feel the burden. Our population are industrious, thriving and honest, and out of the company of the Philadelphia brokers, and the subsidized presses in their interest, there is not a man among the seventeen hundred thousand free people who boast of the title of "Pennsylvanians," who does not scorn the dishonest and recreant sentiment of a violated public faith.

TENNESSEE.					
ELECTION RETURNS—FOR GOVERNOR.					
East Tennessee.					
1841.					
Counties.	Jones.	Polk.	Cannon.	Polk.	
Anderson	540	265	507	259	
Blount	1,065	669	911	811	
Bradley	300	300 maj.	300	751	
Bledsoe	590	225	516	263	
Claiborne	451	750	576	785	
Campbell	343	362	279	467	
Coeke	821	100	654	263	
Carter	728	138	770	141	
Grainger	1,003	530	801	630	
Greene	894	1,571	1,000	1,700	
Hamilton		13 maj.	632	436	
Hawkins	1,053	1,343	804	1,433	
Jefferson	1,603	148	1,509	207	
Jones	351	70	323	95	
Knox	1,432	355	1,611	464	
Madison	955	884	1,322	960	
Monroe	847	985	850	1,077	
Meigs	84	572	103	594	
Marion	101 maj.		473	399	
Morgan	158	125	104	154	
Polk	194	345	new county.		
Reane	949	577	949	577	
Rhea	160	368	162	333	
Sullivan	313	1,336	250	1,412	
Sevier	869	88	750	191	
Washington	798	1,123	796	1,119	

Middle Tennessee.					
Bedford	1,851	2,344	1,837	2,327	
Davidson	1,768	1,236	1,744	1,507	
Dickson	519	647	370	656	
Franklin	515	1,235	510	1,097	
Fentress	144	359	207	352	
Giles	1,110	1,276	1,127	1,461	
Hardin	510	596	476	613	
Hickman	319	958	195	1,054	
Humphreys, } 433	603	394	373		
Jefferson, } 926	751	926	751		
Jackson	1,109	622	1,112	630	
Lawrence	522	505	554	433	
Lincoln	728	2,504	741	2,584	
Maury	1,367	2,187	1,437	2,338	
Montgomery	925	751	926	751	
Reuben	926	959	926	959	
Robertson	968	680	1,067	692	
Rutherford	1,711	1,635	1,643	1,749	
Smith	2,369	680	2,230	779	
Stewart			400	736	
Sumner	703	1,626	751	1,919	
Warren	476	2,037	395	2,110	
Wayne	666	319	709	304	
Williamson	1,805	809	1,788	919	
White	1,162	511	1,100	497	
Wilson	2,246	971	2,273	1,157	

24,027	96,313	24,398	29,130
24,027	24,027		
	2,286		

West Tennessee.					
Carroll	1,195	425	1,179	439	
Dyer	324	312	317	324	
Fayette	1,003	804	908	936	
Gibson	1,017	432	1,151	513	
Hardeman	624	853	574	842	
Henry	721	1,108	699	1,192	
Henderson	1,100	328	1,236	368	
Haywood	655	544	706	627	
Madison	1,046	551	1,191	610	
McNairy			291 maj.		
Obion	274	387	237	438	
Percy	707	388	685	456	
Shelby	829	738	781	665	
Tipton	519	584	320	425	
Weakly	509	726	418	871	
	10,523	8,143	10,613	8,629	
	8,143				
	2,380				

RECAPITULATION:					
Jones' majority in East Tennessee					3,147
" " " West Tennessee, one county not heard from					2,380
Polk's majority in Middle Tennessee, one county not heard from					5,527
Jones' majority thus far					3,241

REPRESENTATIVES ELECTED.					
W. H. Wigs.					
Williams, of Carter,					Campbell, of Washington,
Sender, of Grainger,					Miligan, of Greene,
Ross, of Anderson,					Eanes, of Sullivan,
Wheeler, of Campbell,					Jones, of Greene,
Scruggs, of Jefferson,					Fain, of Hawkins,
Lea, of Coeke,					Crantz, of Hawkins,
Miller, of Sevier,					Lane, of Claiborne,
Hodden, of Blount,					Hembree, of Reane,
Pate, of Knox,					Torbitt, of Monroe,
Wester, of Roane,					Walker, of McMinn,
Sherrill, of Bledsoe,					Rowles, of McMinn,
England, of White,					Wan, of Meigs,
Brooks, of Jackson,					Grierson, of Fentress,
Goodall, of Smith,					Ogelsby, of Obion,
Hughes, of Smith,					Hopkins, of Warren,
Campbell, of Davidson,					Hill, of Warren,
Ewing, of Davidson,					Howard, of Franklin,
Mairhead, of Wilson,					Estill, of Franklin,
McKerlie, of Wilson,					Bartley, of Sumner,
Norman, of Rutherford,					Henry, of Sumner,
Barton, of Rutherford,					Dew, of Maury,
Perkins, of Williamson,					Polk, of Maury,
Bostick, of Williamson,					Black, of Bedford,
Buchanan, of Lawrence,					Long, of Bedford,
Brown, of Wayne,					Reece, of Lincoln,
Marable, of Humphreys,					Rogers, of Lincoln,
Buck, of Montgomery,					Buchanan, of Giles,
Powell, of Robertson,					Buford, of Giles,
Bledsoe, of Carroll,					McGinnis, of Hardin,
Mitchell, of Gibson,					Walker, of Hickman,
Polk, of Obion,					Ebanks, of Dickson,
Staudt, of Hamilton,					Cherry, of Stewart,
Haskell, of Madison,					Copeland, of Henry,
Perkins, of Haywood,					Fennell, of Weakly,
Graham, of Perry,					Fentress, of Hardeman,
Alexander, of Shelby,					Glen, of Tipton.

SENATORS ELECTED.					
Wigs. V. R.					
Dis. 2. Rencan, of Sevier,					1. Powell, of Wash'ton,
4. Williams, of Grainger,					3. Johnson, of Greene,
5. Nelson, of Knox,					6. Miller, of McMinn,
11. Peyton, of Smith,					7. Waterhouse, of Dick,
14. Lebetter, of Ruth'd,					9. Laughlin, of Warren,
15. Jennings, of Davidson,					10. Ross, of Giles,
16. Foster, of Williamson,					12. Warren, of Bedford,
19. Fow, of Robertson,					13. Martin, of Maury,
20. Motley, of Wilson,					21. Mathews, of Law'ree,
21. Brantley, of Henon,					18. Harwick, of Dick,
23. Sevier, of Carroll,					22. Gardner, of Weakly,
24. Ashe, of Haywood,					25. Macklin, of Fayette.
8. Turney, dem. (representing a whig district).					

Whigs 39—V. B. 36.					
Whigs 12—V. B. 13.					

ALABAMA.
THE SUPREME COURT has just closed an unusually laborious session. The judges have already delivered upwards of one hundred written opinions, many of them voluminous, and have thirty or forty, we learn, still to write out, after settling the points of law. The case is still open, although the docket has been cleared, and will not be formally adjudged, until the opinions are all written.

MISSISSIPPI.

Croers. The Vicksburg Whig of August 3d says: A friend who has recently returned from the interior, writes as follows: "I was much gratified to see crops of cotton looking so fine in the back country. I saw considerable wheat and other small grain, and great numbers of hogs. It is the opinion of many planters in the interior that they will raise more than enough meat to supply them. It is a fact that pork has been selling for less in Jinds, Madison and Rankin counties, than it has on the river. The prospect is encouraging."

LOUISIANA.

THE BAYOU LINCOLN EXPEDITION. The grand jury at New Orleans on the 19th ultimo, returned "not a true bill" against Persifer F. Smith, of Philadelphia, captain Charles F. Lozey, and James Geo. W. Reeder, Edward H. Wilson and Thomas Bates, who engaged in the unlucky Bayou Lincoln expedition. Judge Canonge then asked the attorney general if he had any further charge against those gentlemen. Mr. Roslins replied in the negative. The judge accordingly ordered their immediate release.

INDIANA.

FARMING ON A LARGE SCALE. Extract of a letter from a gentleman in Indiana to a forwarding house in Rochester, dated Michigan City, Aug. 11, 1841: "I have this night sold 10,000 bushels of one-fane farmer, and of his own raising, and it is only about one-half of his crop. The same farmer has 800 acres of corn and 2,500 hogs to fat next fall, together with lots of other stock and spring crops.

If you have any farmers in Monroe that can go ahead of that, I will give it up. I have never seen fairer wheat than the new crop is here.

From all accounts it is evident greater quantities of wheat have been raised in the new states this year than ever before; and western New York is compelled for once to knock under, in large farming operations, to Indiana. We are in no danger of farmers for bread. (Democrat.)

WISCONSIN.

LEAD. We copy the following interesting article from the Milwaukee Courier. The lead trade has heretofore gone down the Mississippi, with the exception of a small part of the way of the Wisconsin and Fox rivers to Greenbay and thence to New York. As soon as the Milwaukee and Rock River canal is completed, immense quantities of lead will be carried on it to Milwaukee on Lake Michigan. The best plan, as the roads are not as perfect as the water, is to desire to New Orleans, and to carry the lead over the snow in the winter season to the lake, to be ready for an early departure in spring.

Wisconsin seems to be the wonder of the age, as its soil which is rich to a proverb, is at the same time underlaid with the richest mineral wealth.

The Lead Trade. Our citizens on Saturday afternoon, were not a little surprised by the appearance in the streets of four heavy tons, loaded with lead from the furnace of Thomas Parish, esq near Muskoddy, in Grant county. These teams brought over about ten tons of lead, to be shipped to New York. It was sent on the Madison, on Monday.

We are informed by Mr. Doussan, that lead can be sent from this place to New York, for about fifty cents per hundred, and it costs 93 cents per hundred to deliver it here from Muskoddy, making the entire expense of transporting the lead from the furnace to New York about \$1 50 per hundred, or \$30 per ton. This is a much less price than it costs to transport to New York from New Orleans. We understand the average cost by that route is about \$40 per ton.

The teams returned loaded with salt, which was obtained here at about \$2 50 per barrel. This can be disposed of in the mines at about \$7 per barrel—a very pretty advantage.

The tanners inform us that the road is such that they did not find the least difficulty in getting through with about 2 tons on each wagon.

The greatest inducement, however, which the lake route holds out to the smelter, over the southern route for the lead trade, is the increased expence with which their lead gets to market. The lead which arrived here on Saturday was shipped on the Madison on Monday, and will be in New York within 20 days from the time it left the furnace, near the Mississippi river; and the owner will get his returns in about four weeks from the time the lead was smelted. A gentleman from Galeville recently informed us that he shipped, over 90 days since, about \$1,500 worth of lead to New York by the southern route, and had not then got his returns from it.

We are informed by Mr. Doussan, that he will ship in a few weeks about 20 tons more, which he has purchased and paid for in salt.

TWENTY-SEVENTH CONGRESS, FIRST SESSION.

SENATE.

SEPTEMBER 1. Mr. Buchanan presented the memorial of the "Artist's Fund society of Philadelphia," requesting congress to impose a duty on the importation of foreign prints and pictures; and, also, the memorial of "the Artists and Amateurs' association of Philadelphia," making a similar request.

The memorials were laid upon the table. Mr. Wright presented the preamble and resolutions adopted at a meeting in Brunswick county, Virginia, in relation to the leading measures before congress, and expressive of their disapprobation of the same; laid on the table and ordered to printed.

The bill to provide for the satisfaction of the outstanding Choeleae reservations under the 19th article of the treaty of Dancing Rabbit Creek of September, 1830, was put on its passage.

Mr. Henderson moved to recommit the bill with certain instructions which motion gave rise to some remarks from Mr. Sevier and Mr. Linn in support of the bill and against the motion to recommit, which motion was not agreed to.

The bill was then passed by the following vote: YEAS—Messrs. Allen, Archer, Benton, Buchanan, Choate, Clay, of Alabama, Fulton, King, Linn, McKelers, Morehead, Harrison, Henderson, Huntington, Mangum, Merrell, Miller, Prentiss, Preston, Smith, of Indiana, Southard—15.

The act establishing duties and drawbacks coming up as the unfinished business—

Mr. Berrien, pursuant to notice given yesterday, moved that he lay the bill on the table, with a view to take up the consideration of the bill to establish a fiscal corporation.

Mr. Rives opposed this motion, and expressed his hope that the revenue bill would be proceeded with until it was disposed of. He understood the notice given by the senator from Georgia to proceed on the supposition that the revenue bill would by this time be gone through with.

Mr. Clay said that he was, of course, ready to submit to any arrangement which the senate might prefer; but it certainly had been the general understanding at the adjournment yesterday that the work of the day was to be taken up to-day. Under that understanding, Mr. C. had himself come to the senate to-day. If the revenue bill was to be taken up, he should like to refer to some statistical tables which he had not now with him; he would not say, however, that he was unprepared to proceed with that bill, if such were the pleasure of the senate.

Mr. Archer said that, personally, he was indifferent which bill was taken up; but as his colleague had expressed a wish for further delay, it would be inconsistent with that courtesy he had ever found exercised towards himself to refuse the request.

Mr. Calhoun was reluctant to show any want of courtesy, but he really was very desirous the senate should proceed on with the bank bill, as had yesterday been proposed.

Mr. Rives said that gentlemen had entirely mistaken the whole spirit and purpose of his remarks. He asked no favors. He felt himself as well prepared to go on with the bank bill as other gentlemen, and he had no objection to its being taken up, provided it was with only on the general principle which he thought had been agreed to at the outset, that when once a subject was taken up it should not be abandoned or suspended till it was finally disposed of.

After further brief remarks by Messrs. Berrien and Foodberg, (the latter in favor of the motion), the motion was carried by a vote of yeas 34, nays 14, and thus the revenue bill was laid on the table.

On motion of Mr. Berrien, the bill from the house, "to provide for the collection, safe-keeping and disbursement of the public revenue, by means of a corporation to be styled the fiscal corporation of the United States," read up, as in committee of the whole, and having been read up by the secretary, was open to amendment.

Mr. Clay said that although this bill was not such as he thought the necessities of the country required—it felt short, far short of what he could have wished to see—yet it would accomplish to a considerable extent the objects he had in view, and the one the extension of the exchanges of the country, the other the insuring a sound and uniform currency throughout all parts of the country. It being thus a measure which was likely to accomplish much good, he should not refuse to vote for it merely because it did not accomplish all the good he had hoped and desired. He went for doing as much good as he

could, in every sphere of life in which it was his lot to move; and, on that principle, the bill should have his vote.

Mr. Benton, offered to amend the bill by striking out the word "states" among the classes of stockholders described in the 12th section of the bill, and supported his motion by a speech.

Mr. Berrien briefly replied; when the amendment was rejected:

YEAS—Messrs. Allen, Benton, Buchanan, Clay, of Alabama, King, Linn, McKelers, Morehead, Harrison, Pierce, Sevier, Smith, of Connecticut, Sturgeon, Tappan, Walker, Woodbury, Wright, Young—18.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Choate, Clay, of Kentucky, Clayton, Dixon, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Merrell, Miller, Morehead, Phelps, Porter, Prentiss, Preston, Rives, Simmons, Smith, of Indiana, Southard, Tallmadge, White, Woodbridge, Wright—28.

Mr. Benton moved to strike out in the same connection the word "corporations." The motion was negative: yeas 21, nays 26.

Mr. Clay, by general consent, here presented a petition of a very respectable number of citizens of Erie, Pennsylvania, in behalf of the establishment of a bank of the United States. He said it was right voice should be heard on the subject. The petition was laid on the table.

Mr. Rives briefly stated his reasons why he could not vote for the bill.

Mr. Benton moved an amendment to provide that the corporations of the corporations which are permitted to become subscribers shall be citizens of the U. States. This was rejected: yeas 20, nays 26.

Mr. Benton moved a provision that the stock of the corporation should be transferable only to citizens of the U. States. This was rejected: yeas 20, nays 27.

Mr. Walker moved an amendment, to provide that all the bills should be drawn on short time, and limited to articles already shipped. This was rejected: yeas 21, nays 27.

Mr. Allen moved to insert an additional provision, that the stockholders of the corporation should be liable, in their individual and private capacity to the respective amounts of their stock, if the corporation shall at any time fail to discharge its obligations in gold and silver. This was rejected: yeas 20, nays 28.

Mr. Benton moved that the senate adjourn. The question was taken by yeas and nays at the call of Mr. Sevier, and decided in the negative: yeas 16, nays 22.

Mr. Benton moved to strike out "ten dollars" and insert "fifty dollars," (the amount payable on each share taken by corporations.) Kerr, Mangum, of the subscription. This was rejected as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay, of Alabama, Culbert, Fulton, King, Linn, McKelers, Morehead, Phelps, Porter, Prentiss, Preston, Rives, Simmons, Smith, of Indiana, Southard, Tallmadge, White, Woodbridge—28.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Choate, Clay, of Kentucky, Clayton, Dixon, Evans, Graham, Henderson, Harrison, Henderson, Huntington, Mangum, Merrell, Miller, Prentiss, Preston, Rives, Simmons, Smith, of Indiana, Southard, Tallmadge, White, Woodbridge—28.

The question being now on ordering the bill to its third reading, Mr. Archer expressed a desire to address the senate, and moved an adjournment.

Which motion prevailing, yeas 28, nays 18—The senate, a little before sundown, adjourned.

SEPTEMBER 2. Mr. Buchanan presented a memorial from citizens of Philadelphia, asking that a duty may be imposed on the introduction of chloride of lime.

Mr. Calhoun presented the preamble and resolutions of a meeting of Amelia county, Virginia, commendatory of the measures of the present administration.

Mr. Merrell presented a memorial from the stone cutters formerly employed on the public buildings, asking that applications may be made during the present session to continue the same.

Mr. Clayton, from the committee on the library, reported the bill from the house making appropriations for the removal of the statue of Washington and placing it in the rotunda of the capitol under an amendment which was considered in committee of the whole, and read a third time and passed.

The bill to establish a fiscal corporation coming up as the unfinished business of yesterday, and the question being on ordering the bill to its third reading—

Mr. Archer went at large into an argumentative speech in defence of the constitutionality of the bill.

Mr. Buchanan replied, accusing Mr. A. of arguing like a consolidationist and of having forfeited his claim to be considered a state-rights man. Mr. B. having expressed a doubt whether it was his duty to attack gentlemen might fly a kite at the white house, but

Here Mr. Archer interposed and remarked that the senator probably knew much more about what would be done at the white house than he did: the senator's party, he believed, knew more of the interior of that house than their opponents.

Mr. Buchanan was sorry the gentleman from Virginia was mistaken: the fact was not so, as yet; but he hoped it might be before long. The president had shown himself a man of mettle, and had not been willing to sacrifice all his old Virginia principles for the sake of a party, with which he differed on almost every great and leading point of policy. Mr. B. after going into a course of animadversion upon the practical working of the bill, expressed the opinion that it was impossible that the president, after vetoing the last bank bill sent to him, could ever sign such a bill as this. No one so could contradict all the avowed principles of his past life.

This course of remark called up Mr. Clay, who spoke with great animation in reply. In the course of the speech he adverted to the late disturbance at the president's mansion, and playfully suggested it might possibly have been produced by the irruption of the loco foco party into the house on the evening of the veto, and he amused himself by a conjectural picture of the part probably acted by the leading gentlemen of that party on the occasion, and the congratulatory speech addressed to the president. Mr. C. then went into a reply to the suggestion of Mr. B. that the president would probably veto the bill, which he treated as implying a most injurious imputation on the character of the president.

From this point the remainder of the debate, which was of a very interesting, animated, and, at times, highly excited character, was directed almost exclusively to remarks on the probability or improbability of the veto, and its probable political consequences. It continued to a late hour, and was not concluded when the senate adjourned, without having taken any question on the bill.

It was continued by Messrs. Buchanan, Calhoun, Clay, Fremont, Rives, and Wright. Mr. Wright, Pier, Berrien and Linn: when Mr. Berrien, insisting on his right to reply to the arguments which had been urged against the bill he had had the honor to introduce as the organ of a committee, for that purpose moved an adjournment; which motion prevailing, the senate adjourned at seven hours, at a little before sundown, adjourned.

SEPTEMBER 3. Mr. Calhoun presented the resolutions and proceedings of a meeting of citizens of Clarke county, Virginia, condemning the measures of the present session; reviewing the promises made by the whig party previous to the late election, which they declared had been entirely violated; and approving of the veto of the president on the bank bill.

He asked that the proceedings be read and ordered to be printed. They were accordingly read, and consisted of denunciation and outcry against the measures of the administration.

Mr. Preston hoped they would not be printed. He said that he felt to print at the expense of the senate, this low slang, and criminations and reprimands, essays of which character might be produced from every neighborhood in the union. He moved to lay the motion to print on the table.

Mr. Benton said the gentleman would not gain much by that motion, for he had a similar paper, on which he would say all that ought to have been said on this.

Mr. Calhoun appealed to his colleague to withdraw his motion for a moment; which being complied with, he expressed the hope that these resolutions would be printed, as the people had a right at all times to hear every voice. The resolutions denounced in no unbecoming language the proceedings of this body, than many that had been printed, and he knew not why these should be singled out to be rejected in this manner.

Mr. Benton opposed the motion and hoped the papers, as they were of a respectful character to the body would be printed; he opposed at some length this low slang, and criminations and reprimands, essays of which character might be produced from every neighborhood in the union. He moved to lay the motion "veto" among others. He then went into an examination of the veto power, which he said was a great conservative power, for the defence of the people, and was always a most popular measure whenever exercised.

Mr. Preston said the memorial had been read, and received a respectful hearing; and where was the right to demand its printing? It was now on the record of the country, and had probably already been passed. A printing by the senate would rather imply approbation, and be objected to the printing of such rabid effusions of party spirit and slang, which asked for no practical result, would be completely impractical end. He referred to several expressions of

an indecent and exceptionable character, and renewed the motion to lay on the table.

The motion was carried by yeas 26, nays 17, and thus the motion to print and the memorial lay on the table.

A joint resolution from the house of representatives, relating to the printing of the departments, was read a first and second time, and was referred to the committee on the library.

The bill from the house of representatives, to repeal the sixth section of the act entitled an act to provide for the establishment of the military academy of the United States for the year 1838, and for other purposes, passed July 1838, and to prohibit any investment of the funds of the United States in stocks of the several states, was read twice, and referred to the committee on finance.

On motion of Mr. Buchanan, the bill from the house of representatives authorizing the franking privilege to be extended to Mrs. Harrison, widow of the late General Harrison, was read in committee of the whole the third time, and passed.

The joint resolution from the house of representatives making it the duty of the attorney general to examine for the title of the lands or sites for the purpose of erecting thereon armories and other public works and buildings, and for other purposes, was read a first and second time, and referred to the committee on the judiciary.

The bill to provide for the collection, safe keeping, and distribution of the public revenue by means of a fiscal corporation, coming up, once more, as the unfinished business, and the question still being on ordering the bill to its third reading—

Mr. Simmons, of Rhode Island, delivered a clear practical common sense speech in favor of the bill.

Mr. Berrien, who had been charged with the bill went into a general reply to the objections which had been urged against it especially by Mr. Buchanan.

Mr. Walker desired to offer an amendment to the bill which he would submit, and simply ask the yeas and nays on its adoption. It was to insert a new section claiming for congress the power to "modify or repeal." The question having been taken, the vote stood as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Clay, of Ala., Calhoun, Fulton, King, Linn, McRoberts, Mouton, Nicholson, Pierce, Sevier, Smith, of Conn., Sturgeon, of Ind., Miller, McMillen, Wright, Young—20.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Choate, Clay, of Kentucky, Clayton, Dixon, Evans, Graham, Henderson, Hingham, Kerr, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Prentiss, Preston, Rives, Simmons, Smith, of Ind., Southard, Tallmadge, White, Woodbridge—28.

The question was then put, "shall this bill be read a third time?" The yeas and nays having been demanded, the vote stood as follows:

YEAS—Messrs. Archer, Barrow, Bates, Berrien, Choate, Clay, of Kentucky, Clayton, Dixon, Evans, Graham, Henderson, Hingham, Kerr, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Prentiss, Preston, Rives, Simmons, Smith, of Ind., Southard, Tallmadge, White, Woodbridge—27.

NAYS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay, of Alabama, Culbert, Fulton, King, Linn, McRoberts, Mouton, Nicholson, Pierce, Rives, Sevier, Smith, of Connecticut, Sturgeon, Tappan, Walker, Woodbury, Wright, Young—22.

The bill was then read a third time by its title, and finally passed.

The question was then on its title, which is as follows: "An act to provide for the better collection, safe-keeping, and disbursement of the public revenue, by means of a corporation, to be styled 'the fiscal corporation of the United States.'"

Mr. Chapman moved to amend the title, so as to make it, "an act to establish a bank of the U. S.," &c. He said the title proposed did not belong to the institution; it was a bank of the United States, and why not give it that name on its face."

The amendment was rejected, and the original title adopted.

The fortification bill was then taken up, on motion of Mr. Preston, the question being on concurring in the amendment of the house, to that of the senate, which appropriates \$5,000 instead of 75,000 dollars for the selection and purchase of a site for a western, southwestern or northwestern armory.

Mr. Preston moved that the amendment be concurred in; which, after some conversation, was carried by a vote of 27 yeas to 19 nays.

The bill from the house, "authorising the transmission by mail of letters and packets to and from Mrs. Harrison, widow of the late William Henry Harrison, free of postage," was taken up, three times read, and passed.

A joint resolution from the house, making it the duty of the attorney general to inquire into the validity of sites on which fortifications are erected, was twice read, and referred to the committee on military affairs.

The bill from the house making appropriation for repairs of the Potomac bridge, was read a third time, and passed.

Mr. Rives from the committee on foreign relations, reported the bill from the house making an appropriation for the outfits of diplomatic agents of government.

The senate then went into executive session, and after some time spent therein, adjourned.

SEPTEMBER 4. The bill from the house making appropriation for the purchase of ordnance and ordnance stores was taken up, and after some brief remarks by Messrs. Mangum, Sevier and Woodbury, Mr. Allen moved to amend the bill, to the effect that the appropriation be made from the sales of the public lands, any act to the contrary notwithstanding.

Mr. Smith, of Indiana, regretted to see the course senators were disposed to take. Would they never cease to assault the land bill? There never had been a bill so long and so desperately contested by the opposition. Every amendment including the one now offered, in principle, that the ingenuity of that opposition could devise, had been offered in the progress of the bill in the senate, and had been voted down. Were these amendments to be repeated upon every bill that came before the senate? Would senators persist in this course? The whole matter connected with the distribution bill had become so completely decided at the present session. Were senators not willing to let the people try the measure. If it was wrong they would find it out and correct it. He said it did not like it. This fighting a measure, indirectly, he said it did not like. He would submit it in all good feeling to senators to let this measure take its course. The bill authorised its repeal when congress should say it should be done. Let the question at all times be fairly and openly met and decided. Mr. S. was rather to be driven nor coaxed into a reargument of that measure at this session. He had heard with pain and regret the senator from North Carolina, (Mr. Calhoun), the other day, call upon the president to put his veto on this important measure. He, (Mr. S.) did not object to the opposition of the senator while the bill was in the senate, but regretted that he could have felt it to be his duty to go further, against all parliamentary rule, and advise the president to veto a measure that had gone from the body, and which was specially recommended by himself in his last message, and urged by him upon congress for its adoption. Mr. S. would not pursue the subject. He wished to see the session brought to a close; and he would say nothing that would lead to debate. He hoped the amendment would not be adopted.

Mr. Allen said they would constantly, unitedly and with accumulated energy follow up the subject. It had all along been said that distributing the proceeds of the public lands among the states would neither do good nor to the satisfaction of the people. Now what had they witnessed? He would give them fair notice that his side of the senate meant to do all it could to repeal the distribution law, to help to alleviate the burdens of the people, which the land bill had imposed for the benefit of foreigners; and these foreigners our enemies, moral and political.

Mr. Walker said the senator from Ohio talked of the land bill as though it had already become a law. He expressed the hope, if the bill was signed, that no bill which violated the spirit of the compromise would receive the sanction of the president.

Mr. Mangum replied that the question was taken on the amendment, and decided in the negative as follows: yeas 19, nays 25. The bill was then laid over to be taken up on Monday.

The revenue bill was then taken up, (the question pending, being the amendment of Mr. Woodbury, to exempt tea and coffee), when Mr. Clay addressed the senate for upwards of an hour and a half, going into a full exhibit of the present state of the treasury, and intimating that a loan might be necessary as early as December next.

Mr. C. in the course of his remarks, made the following estimates for the receipts and expenditures of the treasury for the year 1841: the probable revenue for the last half of the same year, and the existing revenue laws, supposing the present bill not to pass:

Actual revenue for the first half of the year 1841:	
Customs,	\$6,113,410 95
Lands,	836,069 95
Bank bond,	68,494 47
Miscellaneous items,	64,945 83
	\$7,642,925 76
Expenditure during the same time:	
Civil, miscellaneous and foreign interest,	
course,	\$3,062,524 71
Military,	6,442,893 53
Naval,	2,559,706 52
	\$12,065,124 76

Public debt, - - - - -	3,937 35
Treasury notes redeemed, including interest, - - - - -	\$1,431,519 15
	\$3,932,450 62
Difference between actual receipt and expenditure on the first half of 1841, - - - - -	6,789,437 00
Probable revenue for the last half year, - - - - -	3,937 35
Customs, - - - - -	\$6,113,410 51
Lands, - - - - -	826,669 95
Miscellaneous items, - - - - -	64,945 83
	\$7,005,026 29
<i>Expenditure.</i>	
Civil, miscellaneous and foreign intercourse, - - - - -	\$3,662,524 71
Military, - - - - -	6,442,893 53
Naval, - - - - -	2,559,706 52
Public debt, - - - - -	3,937 35
Treasury notes redeemed, - - - - -	4,047,498 16
	\$16,116,560 47
Deficiency of the revenue during the last half year of 1841 to meet the expenditure of the same time, - - - - -	9,111,534 18
Deficiency of the first half brought forward, - - - - -	6,789,437 00

Total deficiency of actual revenue to meet actual expenditure during the year 1841, - - - - - \$15,906,971 18

To which should be added as much more as may be expended out of the appropriation of the extra session.

Mr. Woodbury replied at some length. Mr. Calhoun followed when the question was taken on the amendment, and decided in the affirmative, as follows:

YEAS—Messrs. Allen, Bates, Benton, Buchanan, Calhoun, Choate, Clay, of Ala., Clayton, Cuthbert, Dixon, Evans, Graham, Huntington, King, Linn, Moore, Roberts, Mangum, Miller, Morehead, Mouton, Nicholson, Phelps, Porter, Prentiss, Sevier, Simmons, Smith, of Connecticut, Smith, of Indiana, Sturgeon, Tallmadge, Tappan, Walker, White, Woodbridge, Woodbury, Wright, Young—25.

NAYS—Messrs. Archer, Barrow, Berrien, Clay, of Ky., Henderson, Kerr, Merriick, Preston, Rivers, Southard—12.

Mr. Allen then moved to amend the bill by exempting the article of salt from duty.

Mr. Benton spoke for some time in support of the amendment. He said that the tax on salt acted on the poor most oppressively; that the banker with his millions, did not use as much salt in a year as a farmer would use up in half a season.

Mr. Walker moved to amend the amendment by adding gunny bags.

Mr. Benton warmly objected to mixing up any thing so incongruous as gunny bags with salt.

Mr. Bates moved that the senate adjourn.

Mr. Sevier, demanded the yeas and nays; which having been ordered, the vote stood as follows:

YEAS—Messrs. Archer, Bates, Berrien, Choate, Clay, of Kentucky, Clayton, Dixon, Evans, Huntington, Kerr, Mangum, Merriick, Miller, Morehead, Mouton, Nicholson, Phelps, Porter, Prentiss, Simmons, Southard, Sturgeon, Tallmadge, White, Woodbridge—25.

NAYS—Messrs. Allen, Barrow, Benton, Buchanan, Clay, of Alabama, Cuthbert, Graham, Henderson, King, Linn, McLehose, Nicholson, Pierce, Preston, Rivers, Sevier, Smith, of Connecticut, Smith, of Indiana, Walker, Woodbury, Wright, Young—22.

And the senate adjourned to Monday.

SEPTEMBER 6. Mr. Benton presented the proceedings and resolutions of a meeting of citizens of Surrey county, Virginia, condemning the measures of the extra session, and approving the veto of the president on the bank bill; which without debate were laid on the table and ordered to be printed.

Mr. Berrien, from the committee on the judiciary, reported the bill from the house, making it the duty of the attorney general to inquire into the validity of title to sites on which fortifications are erected.

The bill making appropriations for the expense of the outlets of diplomatic agents of government, and the resolution relative to the purchase of water-rotted hemp for the use of the navy, were taken up, and laid over.

Mr. Benton offered a resolution directing the secretary of the senate to transmit to the president of the United States a copy of the recent report from the secretary of the treasury to the senate, in compliance with its resolution, giving a statement of the public lands surveyed, prepared for sale, and not advertised and brought into market.

Mr. Smith, of Indiana, opposed this motion, considering it of a most remarkable character, as the president was unacquainted with the reports made to the senate; to endeavor to inform him, would be degradation, and disrespectful to him. He briefly explained the facts why the lands had not been brought

into market as soon as prepared for sale—that they were attached to no land district, which rendered it impossible. He moved to lay the motion on the table; which, after some further debate, was carried.

Mr. Bayard introduced a joint resolution providing for the settlement of the title to the Pea Patch Island; which was twice read, and referred to the judiciary committee.

The revenue bill was then taken up; the question pending being the amendment offered by Mr. Allen, to exempt salt from duty, and the amendment to the amendment as proposed by Mr. Walker, to include gunny bags with salt.

Mr. Walker said at the suggestion of his friends, he should withdraw his amendment for the present, as it was supposed by some it might embarrass the original amendment.

Mr. Huntington spoke zealously against the adoption of the amendment of Mr. Allen, as calculated to violate the spirit of the compromise act. He asked the friends desired to destroy the home manufactures and give a monopoly to foreigners.

Mr. King was in favor of the amendment. Though not disposed to run counter to the spirit of the compromise, he yet desired to take duties off all articles of necessity and used by the poorer classes.

Mr. Bates opposed the amendment with much zeal, and insisted that if the duty were removed, the price, so far from being lessened, would be increased, from the fact that there would be no rivalry in the market.

Mr. Calhoun thought salt ought not to be interfered with now—the duty was going off gradually, and commercial interests as was consistent with safety to commercial interests. No one could regard the bill before them as permanent. It was evident that the whole system would have to be revised under the compromise system.

Mr. Walker was warmly in favor of the amendment. He regarded a tax on salt as inhuman and unjust. It was almost as necessary to human life as the air they breathe, and should be exempted from all burthens whatever.

Mr. Allen then modified his amendment so as that it should not take effect until after the 3d of June, 1842.

Mr. Clay spoke against the amendment; and said the very circumstance of the universality of its use was a reason it should come in for its share of taxation. He never talked about the poor, but he believed he felt as much, and probably more, than those who did. Who were the poor? Why they were all poor; and any attempt to select certain classes for relief, would be to the collector came round they might be poor. He pressed the point that the tax might not be interfered with. This was a subject which Mr. Jefferson and Mr. Macon took under their peculiar care, and other gentlemen had since mounted the hobby, and literally rode it down. He could tell them, if they desired to preserve the compromise, they must leave the salt tax alone.

The debate was further continued by Messrs. Walker, Benton, Calhoun and Preston, when the question was taken on the adoption of the amendment, and decided in the negative, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Clay, of Alabama, Cuthbert, Dalton, Dixon, Evans, Graham, Mangum, Nicholson, Pierce, Prentiss, Preston, Smith, of Conn., Tappan, Walker, White, Woodbury, Wright, Young—25.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Buchanan, Choate, Clay, of Kentucky, Clayton, Dixon, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Merriick, Miller, Porter, Smith, of Ind. Southard, Sturgeon, Tallmadge, White, Woodbridge—22.

Several other amendments, not important in themselves, were offered, but were voted down.

Mr. Walker moved to insert among the free articles "gunny bags."

He briefly explained the amendment. The manufacturers of the article in this country sometimes entered into a combination, and raised the price of this. When this was the case, he wished the foreign article to be admitted duty free.

Mr. Clay said no such combination had taken or could take place. The amendment went to violate the compromise act.

The amendment was further advocated by Messrs. Woodbury and King. It was then rejected: yeas 13, nays 33.

Mr. Clay moved an amendment, which he said would relieve the cotton interest: to add a proviso to the end of the second section, that no article of its provisions should be levied beyond 20 per cent ad valorem.

This was adopted without a division.

Mr. Buchanan renewed his motion to repeal the act of 1832, relating to the salt tax, and to subject it to a duty of twenty per cent, providing that all iron already imported should not be affected. To this Mr. Huntington had offered an amendment, which he now withdrew.

Mr. Berrien moved to amend it, so that it should not take effect until the 3d of March, 1843; but in the mean time a duty of 30 per cent. shall be levied on all rail road iron, except for rail roads the construction of which has already been commenced by states and corporations.

Mr. Buchanan thought this amendment ought immediately to take effect, but he was doubtful of the success of it, in its original form; and from necessity, for the sake of accomplishing some good, at least, by the amendment, he accepted the modification.

After brief remarks by Messrs. King, Calhoun and Cuthbert, agreeing to the amendment, as modified, it was adopted.

Mr. Preston moved an amendment, to exempt from duty, paintings and statuary, the productions of American artists abroad; which was adopted.

Mr. Evans moved to strike out "cloves" from the free articles; which was adopted.

Mr. Woodbury moved to strike out the 5th section of the bill; which was carried.

Mr. W. moved an amendment to levy a duty of twenty per cent. on low priced wools.

Mr. Clay said the article was made free by the law of 1832, and it would strike a most mortal wound on the woolen manufactures.

Mr. Huntington concurred in this view.

Mr. Tallmadge hoped the amendment would not prevail. This wool did not come in competition with American wool; the amendment would have done damage to the manufacturing interests. He sent to the secretary's table a letter on this subject, which was read, and exhibited the deadly influence a duty on this article would exercise on the manufacturers.

Mr. Huntington read a letter of the same effect. After further remarks by Messrs. Benton and Tappan, in opposition to the amendment, it was rejected without a division.

Mr. Woodbury offered an amendment providing that when wool of different qualities is imported in the same package, and any part is worth more than eight cents per pound, that part shall pay a duty of twenty per cent. ad valorem.

An amendment was offered by Mr. Kerr, to the effect that circulating libraries not incorporated should have the power to import books.

This amendment was debated by Messrs. Kerr, Buchanan, Woodbury, and others. It was decided in the negative.

Mr. Tallmadge moved to exempt grease from duty, which occasioned some pleasant and playful remarks between Messrs. Preston, Clay and others; when the question was taken on its adoption, and decided in the negative: yeas 17, nays 29.

On motion of Mr. Mangum, the senate then, at a late hour, adjourned.

SEPTEMBER 7. Mr. Tallmadge presented a memorial from sundry brush makers, asking that no additional duty may be imposed upon bristles. Laid on the table.

Mr. Clay presented a preamble and resolutions of a meeting of the citizens of Pike, Jackson and Hocking counties, Ohio, expressive of their satisfaction with the course of the veto at the present session, and condemning the veto.

Mr. C. would only add, that more intelligent and patriotic men did not exist than those of the valley of Scioto who had done him the honor of making him the subject of their presentation of their views. He then moved that the paper be read and laid on the table.

On motion of Mr. Benton,

Resolved, That the secretary of the treasury inform the senate whether all the money due to the United States from the Pennsylvania bank of the United States has been paid into the treasury; and if not, the amounts and interest not paid and the reasons why not paid, and the actual state and condition of the moneys, &c.

The bill making appropriations for the outfit and arrears of the diplomatic agents of the government was taken up in committee of the whole.

Mr. Mangum moved to amend the bill by striking out the appropriation for the salary of a charge at Naples.

On this motion a debate ensued, which lasted until the morning hour had expired. Messrs. Kerr, Buchanan, King and others participating; when on motion of Mr. Clay, the senate proceeded to the discussion of the revenue bill.

Mr. Choate moved to amend the bill by adding to the 1st section, 19th line, after the word saltpetre, "gallow;" and in the 61st and 62d lines, the words "molair, marrow and other soap stocks, and palm oil."

Mr. C. then explained the object he had in view by the amendment, and advocated it in some brief remarks.

Mr. Clay opposed the amendment of the insertion of talow at the presents rate, which was adopted.

The question having been taken on the amendment, it was decided in the negative.

The question was then taken on the second branch of the amendment, and decided in the affirmative. Mr. Bates then moved to amend the bill by inserting in the 45th line of the 1st section, after the word berries "smaltz;" and after the word dying, "prunelle."

Mr. B. explained the object of the amendment; when the question was taken on the adoption of the amendment and decided in the affirmative.

Mr. Calhoun then moved to amend the bill by adding to the end of the 1st section the following proviso:

"Provided, That any change made by this act which, according to the provisions of the act of 24 March, 1837, commonly called the compromise act, cannot take effect prior to the 1st July, 1842 shall be postponed until that time."

After some remarks by Mr. Calhoun, in favor of the amendment, and Messrs. Clay and Huntington, against the same; the question was taken, and decided in the negative, yeas 11, nays 24.

Mr. Wright then moved to amend the bill by inserting at line 88 of the 1st section, after the word "wood," the following: "But this proviso shall not be so construed as to increase the duty now by law imposed upon the wood actually and lawfully imported from any port or place within the provinces of Upper and Lower Canada."

After a few remarks from Mr. Evans, the question was taken on the adoption of the amendment, and decided in the negative; yeas 13, nays 24.

Mr. Miller moved to amend the bill by inserting in the 50th line of the first section, after the word "judic," "ground flint;" which motion was adopted. Mr. Benton then moved to amend the bill by inserting in the 22d line of the 1st section, after the words to wit: the following: "blankets costing not above 75 cents each, from and after the 30th day of July, 1842."

Mr. B. said the rates of duty on these blankets during the administration of Jackson and Van Buren were comparatively small not over five per cent.—quite a low rate of duty. He desired to have the article exempted because it was used generally by poor people.

Mr. Clay opposed the amendment on the ground that the revenue derived from this source was considerable, and that every dollar it would be wanted.

The debate was further continued by Messrs. Benton and Clay, when the question was taken on the amendment and decided in the negative; yeas 20, nays 25.

Mr. Benton said, if revenue was the object, he could devise a plan to put a million of dollars in the treasury at least. He would move to strike out from the 1st section the article of *raw hides*. On this motion quite an animated discussion took place, the amendment having been warmly supported by Mr. Benton and as warmly opposed by Mr. Evans.

Mr. Walker said he was not prepared to vote for the proposition of his friend from Missouri. Raw hides were an article which entered largely into the commerce of Mississippi in a manufactured state, and he would not agree to lay any additional burdens upon the people of that state.

The question was then taken on the adoption of the amendment, and decided in the negative; yeas 14, nays 28.

Mr. Benton then moved to amend the bill by adding the following:

"Be it further enacted, That from and after the last day of December, one thousand eight hundred and forty-one, there shall be laid and collected throughout the United States, its territories, and all other parts of Cuba, a tax on bank notes and all other paper put into circulation as money, by corporations, individuals, or companies, as follows:

On notes, and other paper for circulation, of the denomination of twenty dollars and upwards, one per centum per annum on the amount of the circulation thereof.

On notes, and other circulating paper of less denomination than five dollars, four per centum per annum on the amount of the circulation thereof, with two per centum per annum in addition thereto, until the said tax amounts to twelve per centum per annum.

On notes, and other circulating paper of less denomination than five dollars, four per centum per annum on the amount of the circulation thereof, with two per centum per annum in addition thereto, until the said tax amounts to twelve per centum per annum.

Sec. 2. And be it further enacted, That every description of paper put into circulation by corporations, companies or individuals, which shall be transferable by delivery, and without the endorsement of each passer thereof, and without being subject to the

laws which apply to inland bills of exchange, shall be held and deemed to be circulating paper within the meaning of this act, and shall be subject to the tax hereby imposed.

Sec. 3. And be it further enacted, That every corporation, company, or individual, who shall issue or pay, or be the owner of, any promissory note, bill, or other writing, shall be subject to the tax aforesaid, and within thirty days after the last day of September in each and every year, shall make out and transmit to the secretary of the treasury and the marshal of the district in which the said issue was made, a statement, verified by affidavit, showing the average quarterly amount of the circulation of their notes or paper for the three first quarters of the year, and the estimated average circulation for the remaining quarter; the average of which four quarters shall be held and taken to be the annual circulation; the said statement to be made out according to a form to be obtained from the secretary of the treasury, through the marshal of the district; on failure to make which return, the said corporation, company, or individual shall be liable to a double tax, and to a fine of fifty thousand dollars.

Sec. 4. And be it further enacted, That immediately on receiving said returns, the secretary of the treasury shall cause the tax accruing thereon to be collected by the marshal, and duly accounted for and paid over by him.

Sec. 5. And be it further enacted, That a per centum shall be allowed to each marshal for his compensation in collecting and paying over said money.

Sec. 6. And be it further enacted, That additional and separate security shall be required from each marshal for the faithful discharge of his duties under this act.

Sec. 7. And be it further enacted, That all double duty incurred under this act for a default in not making returns of the circulation, shall be computed by the marshal of the district and the secretary of the treasury according to the reputed capital employed, or circulation issued, by the delinquent party; and all fines under this act shall be recoverable by action of debt, and shall be paid by the delinquent to the use of the law officers of the United States prosecuting the same.

Mr. B. spoke for some time in support of the amendment, and in favor of taxing paper with pictures stamped on it, which has the effect to increase the nominal value of property the times beyond the value of the pictures. He said that the machines had no taxes to pay, to say nothing of other privileges, such as drawing interest for three dollars on one, and exemption from paying duties, to say nothing of putting the government at defiance whenever it suited their fancy. He said this paper circulated in England, and the course followed there was that indicated by his amendment.

The question having been taken on the adoption of this amendment, the vote stood; yeas 8, nays 28.

Mr. Benton then moved to amend the bill by striking out from the 1st section, in line 55, the words "raw hides of all kinds." This proposition was voted down by 25 to 18.

The bill was then reported to the senate; and, on the question of concurring with the committee in exempting tea and coffee from duties, it was decided in the affirmative.

The question being then on concurring with the committee in making watches, parts of watches, jewelry, &c. liable to a duty of 20 per cent.

A long discussion ensued, in which Messrs. Calhoun, Huntington, Clay, of Alabama, Bates, of Kentucky, Wright, Serier, Buchanan, King, Walker, of Kentucky, and others participated; when the vote was taken, and decided in the affirmative, as follows: yeas 30, nays 12.

Mr. Simmons said that it was at his suggestion that bleaching powder had been inserted in the bill, since which he had been fully satisfied that the article could be manufactured in this country in any quantity, and he should therefore move that the senate do not concur in the amendment.

This motion having prevailed, bleaching powder is now liable to a duty of 20 per cent.

Mr. Allen then moved to amend the bill by exempting salt from duty after 30th June, 1842, and on that motion he withdrew the amendment.

The question having been taken, the vote stood: yeas 30, nays 24.

An amendment was offered by Mr. Choate, in relation to an allowance of drawback on all spirits manufactured from foreign molasses according to the quantity of molasses used in their manufacture, which was put to the chair, which was read in explanation.

This amendment was opposed by Messrs. Clay and Benton, and on the question being taken it was disagreed to.

Mr. Clay then proposed to so amend the bill as that it should be made to take effect from and after

the 30th of September. He was aware there was a great diversity of opinion in relation to the subject; but on the whole there was a great majority who concurred on some short day. Every disapproving merchant must have seen that the session would not terminate without some such law, and the only regret was that the bill should have been so long before congress—long enough, in fact, to have allowed orders to have been sent, and returns received, or other orders countermanded.

Mr. Wright said he felt it his duty to move an amendment to the amendment, by moving to insert the words "thirty days from and after the passage of this act"—a time in his opinion too short, but would allow of any orders being countermanded. He left it to the sense of the senate, and should content himself with asking the yeas and nays on the question.

Mr. Clay said the bill had stood from the first September, ever since it was first introduced, and all had had time during the discussion to have taken what steps they might have deemed most conducive to their interests.

Mr. Woodbury was in favor of the time fixed by the senate of Kentucky, as well from the advantages that would result as the conveniences to the department. It was the time the commercial year commenced, and from which the accounts were made up.

The question having been taken on the amendment to the amendment, it was decided in the negative; yeas 11, nays 22.

Mr. Calhoun then said he felt it his duty to move to amend the amendment by inserting the words "from the 1st November next." He thought a shorter time than this would be an act of the grossest injustice that ever people were guilty of. You almost said, Mr. C. commit a robbery, when you allow one merchant to avail himself of the privilege of this bill, while others might sacrifice thousands from ignorance of it. All revenue bills should go into operation at a distant period of time.

Mr. Benton had voted for the proposition of the senate to amend the bill, and should vote with still more satisfaction for the amendment of the senator from South Carolina, because it extended still further the time. All revenue bills appeared to him to be drafted with reference to New York, while New Orleans, an important, though distant port, was never thought of.

Mr. Clay thought vast importations had already been made. Since this bill had been under consideration, there had been ample time to have gone to England and France and return with cargoes; and, if it were put off until the 1st November, orders would be sent and all the warehouses in Europe would be made to disgorge their contents, to the great injury of the revenue. To fix a short day would, in his opinion, be better for commerce, for the country and for the revenue.

Mr. Choate said: While on this side of the Cape it would do very well. Tea was nothing new, but he referred to the difficulties in the East. The difficulties in China had driven a large number of our vessels into the Manila trade, and not to make provision in such cases would be to make the burden fall on the importer; and he asked if it was right to break up a well-planned enterprise which the pirate and tempest had squandered.

The question was then taken on the amendment of Mr. Calhoun to the amendment, and decided in the negative as follows: yeas 9, nays 28.

Mr. Bates then moved an amendment to extend the time beyond the Cape to the 1st of August next.

Mr. Calhoun moved to amend the amendment by allowing the trade to vessels on distant voyages this side the Cape; but the proposition was negatived.

The amendment of Mr. Bates was adopted, and the amendments ordered to be engrossed, and the bill read a third time.

The bill, from the house, making appropriations for fortifications in the State of New York, was read a first and second time by its title, and referred to the committee on military affairs.

The amended bill from the house of representatives making appropriations for the repairing the Potomac bridge was taken up; and on motion of Mr. Morrill the amendment was concurred in, and the bill passed.

The bill making appropriation for the payment of diplomatic agents, which had been discussed during the morning hour, was taken up; the question pending being the motion of Mr. Mangum to strike out the salary of the minister to Naples.

On this motion a debate ensued, in which Messrs. Bates, Clay, Walker, Clay, of Alabama, and Rives participated; when the question was taken and decided in the affirmative; yeas 23, nays 18.

Mr. Sevier then moved to reduce the salaries of the outfit of the ministers to Madrid and Brazil to that for charges.

On this motion a very interesting debate ensued, in which Messrs. *Sevier*, *Buchanan*, *Archer* and *Rives* participated; when the question was taken separately on Spain and Brazil, and severally decided in the negative.

Mr. *Buchanan* then moved to reduce the amount in the bill from sixty-three thousand dollars to fifty-eight; which motion was adopted.

Mr. *Tallmadge* then moved to amend the bill by adding to the same an allowance of three months' pay to the officers of the two houses of congress, to the messengers, pages, &c.; which motion was adopted; when the amendments were ordered to be engrossed, and the bill passed.

The amendment to the revenue bill having now been engrossed, the bill was read the third time, and on the question, shall this bill pass?

Mr. *Wright* rose and spoke against the bill, giving his reasons for the vote he was about to give.

Mr. *Clay* replied with much animation.

Messrs. *Buchanan*, *Calhoun*, *Walker*, *Clay*, *Preston*, *Allen* and *King* severally gave their opinions of the bill.

On the question of its passage the vote stood as follows:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Buchanan, Chute, Clay of Alabama, Clay of Kentucky, Clayton, Dixon, Evans, Fulton, Graham, Henderson, Johnston, King, Livingston, Merrick, Miller, Morehead, Porter, Prentiss, Preston, Rives, Sevier, Simmons, Smith, of Ind. Southard, Sturgeon, Tallmadge, White, Young—23.

NOES—Messrs. Allen, Benton, Calhoun, Culbertson, Linn, Norton, Nicholson, Tappan, Walker, Woodbury, Wright—11.

And the senate adjourned, after being in session from ten in the morning until five in the evening.

SEPTEMBER 8. Mr. *Preston*, from the committee on the militia, reported the bill from the house making appropriations for the repair of forts at Staten Island, New York.

Mr. *Evans*, from the committee on finance, reported, with an amendment, the bill from the house to amend the fifth section of the act for the support of the military academy at West Point, Merrick, Miller, and to prohibit the investment of trust funds of the United States in the stocks of several states.

The joint resolution authorising the purchase by the secretary of the treasury of American water-power, for the use of the navy, and to extend in force for seven years, was taken up, with an amendment from the naval committee, that such purchase shall be made with regard to the price and quality of the article.

Mr. *Mangum* had learned from the secretary of the navy that he had been in the practice of the department for some years to contract for and give higher prices for domestic hemp than for the foreign article, when the quality was equal. The committee did not think, in reporting the amendment, that it was proper to give a great premium to domestic hemp. The amendment regarding the purchase according to the price and quality would make very little difference with the practice of the department, and he thought it ought to be adopted.

Mr. *Calhoun* moved to lay the resolution on the table till next session. He, however, at request, withdrew the motion.

Mr. *Mangum* thought the resolution, as amended, could do no harm, and might stimulate to the purchase of domestic hemp.

The amendment was then adopted.

Mr. *Benton* thought the resolution ought to be amended so as it would give a general stimulus to the production of hemp throughout the country.

Mr. *King* thought it was best to leave the matter to the sound discretion of the secretary. If domestic hemp could be as advantageously procured as here, the secretary would feel bound to purchase it. He proposed to leave the matter as it stood.

After further brief remarks by Mr. *Woodbury* in favor of, and Mr. *Calhoun* against the resolution—Mr. *Calhoun* renewed the motion to lay the resolution on the table. This was negatived.

The resolution was then ordered to be engrossed, and read a third time.

The bill from the house making an appropriation of \$33,300 for repairs of fortifications on Staten Island, New York, was taken up.

Mr. *King* hoped they would have some explanation on the subject. Did that island belong to the general government?

Mr. *Clay* said some doubt had existed, but it had been ascertained satisfactorily in the other house that it was the property of the United States. The sum of money was the result of estimates of the proper department, for the repair of forts which were owned property.

Mr. *Wright* and *Huntington* spoke of the question of the validity of the title of the United States to these forts, and as the matter had not been sufficiently examined, Mr. H. moved to lay the resolu-

tion on the table. He, however, at request, withdrew the motion, and Mr. *Sevier* expressed the hope that it would not be laid on the table. He wished to move an amendment, to appropriate \$25,000 for repairs of Fort Gibson, Arkansas.

After a further conversation, Mr. *Huntington* renewed the motion to lay on the table, which was rejected; yeas 19, nays 21.

Mr. *Wright* offered an amendment, applying a part of this appropriation for the purchase of the sites of the forts, in case it should appear on examination by the attorney general that the title of the U. States to them was not valid.

After some conversation by various senators, the amendment of Mr. *Wright* was adopted; yeas 31, nays 17.

The amendment of Mr. *Sevier* was then adopted; yeas 28, nays 17.

Mr. *Huntington* moved that the further consideration of the bill be postponed to the first Monday in December next. This motion was carried; yeas 24, nays 21.

Thus the bill was postponed till next session.

Mr. *Bayard*, from the select committee on that subject, reported a resolution for the engagement of reporters by the senate. The resolution and report were ordered to be printed; and he gave notice that he should call them up, for consideration, to-morrow.

The resolution authorising the purchase of domestic tinned-rope for the use of the navy, was taken up, the amendment having been engrossed, and was adopted.

The bill from the house to repeal the 6th section of the act for the support of the military academy at West Point, and to prohibit the investment of trust funds of the United States in the stocks of the several states, was then taken up.

The amendment of the committee provided for the repeal of so much of the sixth section of the act of 1838 appropriating for the support of the military academy at West Point, as requires the secretary of the treasury to invest the annual interest accruing on the money arising from the bequest of the late of James Smithson, of the United States, in the stocks of the several states, and that the secretary be required to invest the accruing interest from such fund in any stock of the United States bearing a rate of interest not less than five per centum per annum. Mr. *Woodbury* spoke briefly, after which the amendment was adopted.

Mr. *Clay* said the relation between the government and the states, of the latter being debtors to the former, ought always to be avoided; for what means could be used to coerce the states if they refused to pay? We had stocks of our own, in which this trust fund of the government could be invested. He should prefer the adoption of this principle, that in all cases of trust funds, an account should be opened with the government of the United States, and that the fund should be held in the treasury and it pay an annual interest on it, until its object was accomplished. He regarded this Smithsonian fund as a sacred trust, which the government would be bound to restore if it should ever be lost; and that being the case—the government being responsible for them, it would be better that they should remain in the treasury, under our charge.

Mr. *Wright* was understood to concur in this opinion; and after some further remarks by Messrs. *Woodbury*, *Calhoun* and *Sevier*, the amendment was engrossed, the bill read a third time, and passed.

On motion of Mr. *Evans* its title was amended so as to be in effect "an act to repeal a part of the sixth section of the act for the support of the military academy of the United States for 1838, and for other purposes."

On motion of Mr. *Mangum* the bill from the house "making appropriation for the purchase of naval ordnance, ordnance stores, and other purposes," was taken up.

Mr. *Mangum* offered an amendment, which he said had been recommended by the navy department, to add a section to the bill, providing that the president of the United States cause such increase to be made to the marine band, as he shall deem necessary and proper, not to exceed 500 men.

He said this had been proposed by the department, the increase would be about fifty per cent. on the whole expenses of the corps, and he did not know as the senate, considering the financial condition of the country, would be prepared at this time of a session to make such an increase in this session.

Mr. *Woodbury* opposed the amendment.

Mr. *King* thought it remarkable that the chairman of the committee should offer such an amendment, which he could not vote for himself. He opposed this increase of expenditure.

Mr. *Mangum* said there was no doubt but an increase in the corps was required; but with a thin se-

late, at the heel of a session, and with a reduced treasury, he did not know as the senate would vote for it.

Mr. *Clay* suggested the propriety of his withdrawing the amendment, instead of having it voted down by the senate, so as not to prejudice its success in future, when it should be acted on.

Mr. *Mangum* withdrew the amendment.

Mr. *Calhoun* opposed the bill, at this late period of the session, when no notice had been given of it from the department, and when the state of the treasury was so reduced. It was the commencement of a permanent system, and it could do but little harm to have it lay on the table till next session, when they could be informed of the state of the navy, and its wants. He would move to lay it on the table, if the chairman had no objection.

Mr. *Mangum* hoped it would be passed now. It was a matter of indispensable necessity for the navy, and the appropriation was of much more urgent necessity than the lavish appropriations for fortifications that had been made, or than any other appropriation that could be made for the defence of the country.

Messrs. *Calhoun*, *Woodbury* and *Benton* further opposed, and Messrs. *Mangum*, *Henderson* and *Allen* advocated the bill.

Mr. *Calhoun* moved to postpone its further consideration to the 1st Monday in December next. This was negatived by yeas 23, nays 38—Messrs. *Calhoun* and *Nicholson* voting in the affirmative.

The bill was then read a third time and passed. It appropriates \$600,000, a part of which is to be applied for the purpose of making experiments and improvements in the navy, by steam vessels and otherwise.

The president stated that there was no other business on the table of the senate; and it then went into executive session.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, SEPT. 1. Mr. *Stuart*, of Illinois, introduced to the house his colleague, the hon. *Zadok Casey*, member elect from that state, who was qualified and took his seat.

Mr. *Adams* introduced again the subject of the investment of the Smithsonian bequest and other trust funds in state stocks, and introduced a series of four resolutions, commencing with the contract of the late administration in assuming state debts by those investments of trust funds. The resolutions further declared that the United States government were bound in honor and good faith to make good any losses to these trust funds while in their hands, and forbade any further investments of that character. As there was a general call for an immediate decision of the question, Mr. *Adams* expressed his willingness to have the resolutions pass without debate.

Mr. *Underwood* expressed his dissent from the principle that government was bound to make good the dilapidation of trust funds. The claim was not good in law, unless the investment had been made with intent to misapply or waste the trust fund. He was not prepared to vote for all the resolutions now, nor was he prepared to discuss them.

Mr. *Adams*, after a few remarks; withdrew the three first resolutions, and the last only was submitted to the house, being declaratory of the impropriety of any future use of trust funds. It passed without a division.

Mr. *Wood* asked leave to introduce a resolution to inquire of the secretary of the treasury as to the causes of the removal of the government money in New York to the Commercial bank in that city. Objected to.

Mr. *W. O. Butler* then called up the McLeod resolution, and spoke an hour on it.

The bill making appropriations to the post office department, having been returned from the senate with an amendment.

Mr. *Briggs* moved that the house now take it up and consider it.

Mr. *J. L. White* moved an adjournment, but was understood to withdraw for a moment.

Mr. *Wise* objected to adjourning till all the business on the table was disposed of. He was called to order.

Mr. *Briggs* urged immediate action on the amendments as it would require but a few moments.

Mr. *Andrews* inquired if the motion to adjourn were not now pending, and insisted that it be now put.

Mr. *White* said he had not withdrawn the motion to adjourn.

The yeas and nays were ordered on the motion to adjourn; and the house then refused to adjourn—yeas 58, nays 98.

The senate amendment to the post office appropriation bill was then agreed to, without debate or division.

Mr. *Proffit* asked leave to introduce a resolution of inquiry demanding of the secretary of war the names of fraudulent contractors allied to by him in his report. The house refused to grant leave.

The house then adjourned at 12 o'clock.

THURSDAY, SEPT. 2. Mr. *Cross*, of Arkansas, introduced Mr. *Dodge*, delegate elected from the territory of Iowa, who was qualified and took his seat.

Mr. *Gearty* asked leave of absence until the end of the session for his colleague, Mr. C. H. Williams; which was granted.

The speaker laid before the house a letter from Mr. *Shields*, of Alabama, stating that he had been unavoidably called away, and requesting that another gentleman might be nominated in his stead as a member of the committee of elections. And it was ordered accordingly.

On leave given, Mr. *McKay* offered the following resolutions, which were adopted:

Resolved, That the secretary of war be, and he is hereby, directed to report to this house, at the commencement of the next session, the number of small arms of various kinds, which have been purchased by and are in the several arsenals and depots, including those in the use of the army; stating the number lost or destroyed by fire per annum; the number which the states may severally possess, including those in the hands of the militia; giving the number that have been issued to each state under the laws of congress, and the number procured by the states themselves.

Resolved, further, That the secretary also report the number of arms manufactured annually at each of the national arsenals, and whether that number can be increased; to what extent and to what expense; the number of private arsenals in the United States, designating the states in which located; the number of arms manufactured by them, annually, accompanied with a comparative statement of the cost of the manufacture of each kind of small arms at the national and private arsenals respectively.

Resolved, further, That the secretary report the cost of transporting arms from each of the national arsenals to the several arsenals and depots; particularly those in the western states and territories; the number of militia in the United States, and any other information which may be useful in enabling congress to decide what further legislation may be necessary to provide for arming the militia.

On motion of Mr. *Adams*, the house took up, and without debate, adopted the following resolution heretofore offered by him:

Resolved, That the secretary of the treasury be directed to prepare and report to this house, at the commencement of the next session of congress, a statement showing the amount of stocks issued, and authorized by law to be issued, by the legislatures of the several states and territories of this union, including the District of Columbia, and constituting the existing debts of the said states, territories and District; specifying the amount of the stocks thus issued, and the rates and terms of interest payable by the holders of the same; the date of the maturity of each loan, the dates of the legislative acts by which they were severally authorized, the objects of internal improvement or otherwise for which the funds thus raised were to be applied; the stipulated times of reimbursement of each loan, the prospect of completion of the public works to the accomplishment of which the issue of the said stocks was authorized.

On leave given, Mr. *McKay* presented a joint resolution making it the duty of the attorney general to examine into the titles of the lands or sites for the purpose of erecting theron arsenaries and other public works and buildings, and for other purposes; which was read twice, and then, by general consent, was referred to a committee.

Mr. *Fillmore*, from the committee of ways and means, to whom resolutions of instruction had heretofore been referred, reported a bill to repeal the sixth section of the act entitled an act to provide for the support of the military academy of the United States, passed the 27th of March, 1820, and the act of the 27th of July, 1838, and to prohibit any investment of the funds of the United States in stocks of the several states; which was read twice.

Mr. *Fillmore* asked that, as the bill contained no appropriation, and need not, therefore, be committed, it put on its third reading now. And the bill was read a third time and passed.

Mr. *Kenney*, of Maryland, from the committee on commerce, reported the following resolution:

Resolved, That a select committee of eleven members, not more than one of which shall be from any one state, be appointed by the chair, for the purpose of taking evidence at the principal ports of entry and elsewhere, as to the operation of the existing system and rates of duties on imports upon the manufacturing, commercial, and agricultural interests of the country; and of procuring, generally, such information as may be useful to congress in any revision of the revenue laws which may be attempted at the next session.

On the reading of this said committee be authorized to sit during the recess, and to employ a clerk.

After some conversation, involving a point of order, Mr. *Ingersoll* moved to amend the resolution by striking out the words "sit during the recess and to."

Mr. *Care Johnson* asked the yeas and nays.

Mr. *Dawson* moved to lay the resolution and amendment on the table.

Mr. *Ingersoll* asked the yeas and nays on that motion, which were ordered, and, being taken, were yeas 57, noes 62. So the resolution and amendment was laid on the table.

A message was received from the senate informing the house that the senate had agreed to the conference asked by the house of the disagreeing votes being in favor of the amendment of the senate to the fortification bill.

And also, that the senate had passed the bill, (hereinafter referred to), in relation to the Choctaw reservations.

Mr. *Randolph*, from the committee on enrolled bills, reported that the committee had examined the act making appropriations for the post office department, and had found the sums to be correct. Whereupon the bill received the signature of the speaker.

The house resumed the consideration of the following resolution, heretofore offered by Mr. J. G. Floyd:

Resolved, That the president of the United States be directed to inform this house, if not incompatible with the public interest, whether any officer of the army, or the attorney general of the United States, has, since the 4th of March last, been directed to issue a full and complete copy of the correspondence of the state of the Union, or of Alexander McLeod; and if so, to communicate to this house copies of the instructions to, and report of such officer; and whether, by such communication, or otherwise, the British government has been given to understand that Mr. McLeod will be released or surrendered.

Mr. *Floyd* addressed the house in answer to the arguments of members on the other side, and in about fifteen minutes was cut off by the expiration of the morning hour.

The speaker announced the unfinished business of yesterday to be the motion of Mr. *Proffit* to suspend the rules for the purpose of introducing the following resolution:

Whereas, the secretary of war, in his report of the 31st of March last, makes use of the following language:

"The attention of the department has been directed to the subject of Indian treaties, and particularly to the manner in which some of these recently made have been executed, and the manner in which some of the states of money for the emigration and subsistence of Indians."

"The frauds that have been practised in the southwest have been, to some extent, inquired into, and a full and complete copy of the correspondence of the state of the Union, or of Alexander McLeod; and if so, to communicate to this house copies of the instructions to, and report of such officer; and whether, by such communication, or otherwise, the British government has been given to understand that Mr. McLeod will be released or surrendered."

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The question on the motion to suspend the rules was then taken and decided in the negative: yeas 71, nays 18. (two-thirds not voting in the affirmative), the rules were not suspended.

Mr. *Garret Davis* moved a suspension of the rules for the purpose of taking up the following joint resolution heretofore offered by him:

Resolved by the senate and house of representatives of the United States in congress assembled, That hereafter all printing by the order of the heads of the executive departments, or any other agent of the United States, shall, where the rates are now higher, be done and performed at the fixed rates established at the present session of congress by the two houses for printing done by their order; and all accounts for such printing shall be settled and paid in strict conformity to such rates by all officers of the United States.

Mr. *Lewis Williams* asked the yeas and nays; which were ordered, and, being taken, were: yeas 140, nays 3. So the rules were suspended.

And the question being on the engrossment of the resolution, Mr. *Davis* asked the previous question.

Mr. *Wise* asked Mr. D. to withdraw the motion, to enable him to offer an amendment instructing the clerks of the two houses to report at the next session on the best and most economical mode of separating the government from the public press, and to submit their views, &c.

Mr. *Davis* declined to withdraw the motion for the previous question, remarking that the gentleman could present his resolution as a distinct proposition.

And the question being taken on the demand for the previous question, there was a second.

And the main question, (being on engrossment), was ordered, and, being taken, the joint resolution was ordered and read.

Mr. *Stout* moved the previous question on the final passage of the resolution. And there was a second.

And the main question, (being on the passage of the resolution), was ordered, and, being taken, the resolution was adopted.

Mr. *Haldet*, from the committee on elections, to whom had been referred the papers and documents in relation to the contested election from the territory of Florida, made a report concluding with the following resolution:

"Resolved, That David Levy, esq., is not a citizen of the United States, in pursuance of any law or treaty thereof; and that, therefore, said David Levy, esq., is not entitled to a seat in the house of representatives as a delegate from the territory of Florida, to the 27th congress."

(H. moved that the report be laid on the table, and, with all the accompanying papers and documents, be printed.)

Mr. *Williams*, of Maryland, a member of the committee on elections, rose and said he dissented from the report.

Mr. *Stout* expressed a hope that some of the members who voted for the previous question on the question of the contested election from New Jersey, would be prepared to act with equal promptitude on this report.

The report was then laid on the table, and, with all the accompanying papers and documents, was ordered to be printed.

And Mr. *Haldet* gave notice that he would call up the report in a day or two.

The bill from the senate entitled "an act to provide for the satisfaction of outstanding Choctaw reservations, under the 19th of March, 1838, and the act of the 27th of July, 1838, and to prohibit any investment of the funds of the United States in stocks of the several states," was taken up and read twice by its title.

The bill was referred to the committee on public lands.

A message was received from the president of the United States, by the hands of Mr. Tyler, esq., informing the house that the president had approved and signed the bill making appropriations for the funeral expenses of William Henry Harrison, deceased, late president of the U. States.

On motion of Mr. *Fillmore*, the house adjourned.

FRIDAY, SEPT. 3. On motion of Mr. *Butges*, the house took up a report from Mr. Tyler, esq., giving the frank privilege, during life, to the widow of the late president of the United States, Wm. Henry Harrison.

The resolution having been twice read—

Mr. *Andrews* moved so to amend it as to strike out the words "weighing two ounces and under;" which amendment was adopted.

Mr. *Harving* suggested that the resolution should be changed to an act, so as to conform to the precedent set in the case of Mrs. Madison.

And, by common consent, the form was changed by striking out the word "Resolved," &c., and inserting "That it was ordered."

Mr. *Harren* made the question that this subject did not come within the rule prescribing the action of the house during the present session.

Some conversation followed, and the point of order was overruled by the speaker.

On motion of Mr. Briggs, the bill was then read a third time and passed.

On leave, Mr. Fillmore offered the following resolution, which was adopted:

Resolved, That the secretary of state be required to prepare after the close of the commencement of the next session as practicable, a statement of the privileges and restrictions of the commercial intercourse of the United States with all foreign nations similar to that contained in the Senate Document 18, 1837, document 8, 1st session, 26th congress, only changing the denominations of the foreign money, weights and measures into those of the United States, according to the custom house entries of domestic goods, and adding columns showing the average amount and value of the articles exported to each country for the years 1838, 1839 and 1840, and of the duties on the same; together with a summary of the average agricultural values and exports to each country for those years, of articles the growth, produce or manufacture of the United States, with the average amount of duties thereon according to each country. The house resumed the consideration of the resolution in the McLeod case.

Mr. Floyd resumed his remarks from yesterday and concluded.

Mr. Everett took the floor with the intention, he said, of giving a general outline of his views on this subject, which he did not do.

Mr. Boardman moved to lay the resolution on the table. Mr. J. G. Floyd asked the yeas and nays.

A motion was made that the house do now adjourn, which prevailing the house adjourned.

SATURDAY, SEPT. 4. The speaker laid before the house the following resolutions:

A letter from the secretary of war, transmitting a contract entered into by his predecessor, Mr. Poinsett, with the agent of Jean B. and Pelagi Ferriault, for the purchase of the island or point of land at the junction of the St. Peter's and Mississippi rivers, as a part of the military reserve at Fort Snelling, together with various papers in relation to the subject. Referred to the committee on military affairs.

Also, a letter from the secretary of war, transmitting a report of Lieut. W. H. Emory, in relation to the situation and improvement of the harbor of New-Castle, of the river Delaware. Laid on the table.

On leave, Mr. Caldwell offered the following resolution, which was adopted:

Resolved, That the president of the U. States be requested to cause to be communicated to this house whether any, and, if any, what regulations exist, by treaty stipulations, or by the laws of the United States, in relation to the rights of Texas, on the subject of the collection of debts, retaining the possession of property, and enforcing legal liabilities and rights by citizens of one government against those of another, and whether the same laws and treaty stipulations as have direct relation to the commercial intercourse between the said governments.

Mr. Goode, of Virginia, laid before the house the proceedings of two general public meetings of citizens of that state. The resolutions were received and laid on the table.

On leave given, Mr. Stearns submitted a motion that certain papers on the files of the house, having reference to the selection of sites upon the western waters for marine hospitals, (and not heretofore printed), be printed for the use of the house; which motion was agreed to.

Mr. Halsted, chairman of the committee on elections, reported from that committee the following resolution:

Resolved, That the case of David Levy, claiming a seat in this house as delegate from Florida, be postponed until Monday next, at 10 o'clock; and that he be heard at the bar of this house upon his case, if he shall so desire.

Mr. Briggs moved to lay the tables of the members; but as he did not hold to the doctrine that judges were called upon to decide a case before reading the evidence; nor that the rights of individuals were to be passed upon without giving them an opportunity to be heard; and, as he dissented from a decision to that effect made in a certain case which should be nameless, he had offered this resolution, which he hoped would be adopted.

Mr. Briggs suggested to Mr. H. so to modify the resolution as to provide that Mr. Levy should be heard "as a person or by counsel." This was the usual mode.

Mr. Halsted modified the resolution to read accordingly. And, as modified, the resolution was adopted.

The speaker announced the unfinished business of the evening hour to be the resolution, heretofore offered by Mr. G. P. Briggs of New York, in the case of Alexander McLeod, the immediate consideration of which being that of Mr. Boardman to lay the resolution on the table.

Mr. B. withdrew the motion to lay on the table at the request of Mr. Adams, when Mr. Adams addressed the house for the first time in most earnest and eloquent speech upon the general merits of the resolu-

tions, and the objects at which it aimed; in reply to the remarks of some other gentlemen who had preceded him; and in a masterly vindication of the course of Mr. Webster with reference to this point in our foreign negotiations.

At the close of his remarks, Mr. A. with great reluctance, renewed the motion to lay the resolution on the table.

After the question was taken and decided in the affirmative as follows: yeas 109, nays 70. So the resolution was laid on the table.

A message was received from the senate, by the hands of A. Dickens, esq. secretary, informing the house that the president of the United States, did on the bill to provide for taking the sixth census of enumeration of inhabitants of the United States, &c.

Also, the bill entitled "an act in addition to an act entitled an act to carry into effect a convention between the United States and the Mexican republic."

Also, the bill entitled "an act to provide for the distribution of the printed returns of the sixth census."

Also, that the senate had passed the following bills:

An act to provide for the better collection, safe-keeping and disbursement of the public revenue by means of the corporation to be styled the fiscal corporation of the United States.

An act authorizing the transmission of letters and packets to and from Mrs. Harrison free of postage.

An act to provide for placing Greenough's statue of Washington in the rotundo of the capitol, and for expending thereon mentioned.

An act to provide for repairing the Potomac bridge, with an amendment.

Also, that the senate had agreed to the amendment of this house to the fourth amendment to the bill No. 8, entitled, "an act making appropriations for various fortifications, for ordnance, and for preventing and suppressing Indian hostilities, &c."

Mr. Randolph from the committee on enrolled bills, reported that the committee had examined the act "to provide for the better collection, safe-keeping and disbursement of the public revenue by means of the corporation to be styled the fiscal corporation of the United States," and had found the same correct. Whereupon the bill received the signature of the speaker.

A message was received from the president of the U. States, by the hands of John Tyler, jr. esq. his private secretary, notifying the house that the president had signed the bill "to appropriate the proceeds of the sale of the public lands and to grant pre-emption rights."

Mr. John C. Clark offered the following resolution: *Resolved*, That no purchase of paper for the use of the house be made until the committee appointed on that subject report to the house at the next session.

To which Mr. Briggs suggested a modification "that no further stationary should be purchased until after the meeting of the next session of congress, and not until after the select committee shall have reported, and it is conclusively stated on the journal," which was adopted, and the amendment passed.

Mr. Fillmore rose and said that the report of the committee on conference (heretofore appointed) on the bill making appropriations for various fortifications, for ordnance, and for preventing and suppressing Indian hostilities, had been delayed to this time, in consequence of an accidental omission on the part of the senate to act upon one of the amendments.

Since that time the senate had concurred in the amendment of this house to their amendment; and the only remaining question now that prevented the vote being finally disposed of, was the disagreeing vote of Mr. Adams in relation to the appropriation of \$30,000 for surveys for military purposes.

The committee of conference had had a meeting, and he had been instructed to make the following report:

The committee of conference appointed by this house and the senate on the disagreement of the two houses on the second amendment of the senate to the "bill making appropriations for various fortifications, for ordnance, and for preventing and suppressing Indian hostilities," have had a conference, and unanimously recommend that the house recede from its disagreement to said amendment and concur with the senate in the same.

The report having been read, Mr. Fillmore moved that the house concur therein.

A communication from the topographical bureau on the subject of these surveys was read.

Mr. Ward inquired of the speaker what would become of the bill if the house should now disagree to this report?

The speaker said the bill would be lost.

After a few remarks from Messrs. Fillmore, Dawson, Brown, of Pennsylvania, Wise and Tillingshast—

Mr. Lewis Williams moved the previous question. And there was a second.

And the main question (being on concurring in the report of the committee of conference) was ordered to be now taken.

Mr. Cere Johnson asked the yeas and nays on the main question, which were ordered, and, being taken, resulted as follows:

YEAS—Messrs. Adams, Allen, Landolf W. Andrews, Sherlock J. Andrews, Arnold, Ayer, Baker, Brown, Barton, Bidlack, Birdseye, Black, Blair, Boardman, Burdick, Caldwell, Canby, Chandler, Clark, Clinton, Brown, Burnett, William Butler, Calhoun, Caruthers, Casey, John C. Clark, Cowen, Cranston, Cravens, Garrett, Davis, Wm. C. Dawson, John Edwards, Everett, Ferris, H. H. Foster, George Fox, Giddings, George H. Goode, Greig, Hershbach, Hall, Halsted, William S. Hastings, Henry, Howard, Hunt, Ingersoll, James Irvine, William W. Irwin, James Isaac D. Jones, King, Lane, Linn, Mallory, Alfred Marshall, Massachusetts, Johnson, Mattocks, Maxwell, Maynard, Moore, Morrison, Morris, Morrow, Osborne, Parmenter, Partridge, Peniston, Feltwell, Ramsay, Benjamin Randall, Alexander Randall, Randolph, Richard, Rawster, Salmonst, Sergeant, Simonton, Slade, Smith, Solers, Stanley, Stokely, Stratton, John T. Stuart, Summers, John B. Thompson, Tillingshast, Toland, Tompkinson, Triplett, Trumbull, Van Buren, J. V. Vane, Ward, Washington, Brooks, Edw. D. White, Thomas W. Williams, Lewis Williams, Winthrop, York, Augustus Young—104.

NAYS—Messrs. Arrington, Atherton, Banks, Beeson, Bowyer, Boyd, Child, V. Brown, Milton Brown, William B. Campbell, Thomas J. Campbell, Chapman, Clinton, Coles, Cross, Daniel, Richard D. Davis, Dean, Deberry, Doan, Doug, Eastman, John C. Edwards, Egbert, John G. Evans, George Fox, George H. Goode, William G. Goode, Gordon, Green, John Hastings, Hays, Hopkins, Houck, Houston, Hubbard, Cave John, John W. Jones, Keim, Lewis, Abraham McClellan, Robert McCall, McCall, McKim, Milton McKim, John Thompson Mason, Mathews, Mead, Newhard, Payne, Pope, Rayner, Rencher, Reynolds, Rich, Riggs, Shaw, Shepherd, Snyder, Stearns, Sweney, Talcott, Turpin, Underwood, Underwood, Wm. W. Williams, J. L. Williams, Wise, Wood—71.

So the house concurred in the report of the committee of conference; and thus the bill, after many delays and agonies, awaits only the signature of the president to become a law.

And, on motion of Mr. Yorks, the house adjourned.

MONDAY, SEPT. 6. Mr. Irwin, from the committee on enrolled bills, reported that the committee had examined the bill to provide for placing the statue of Washington by Greenough in the rotundo of the capitol, and had found the same correct.

Whereupon the bill received the signature of the speaker.

Mr. Jones, of Virginia, asked the consent of the house to be allowed to offer certain resolutions adopted by a large and respectable meeting of the democratic party of the county of Amelia, in the state of Virginia, expressive of opposition to the course of congress this session, and declaring their approval of the course now presented, vetoing the bank bill, for which they tender him their thanks, and their support. The resolutions were received and laid upon the table.

On motion of Mr. Dawson, certain papers relating to the case of Lieut. Murray were withdrawn from the files of the house.

Mr. Sumner, chairman of the select committee heretofore appointed on the contingent expenses of the house, reported the following resolution: *Resolved*, That the special committee appointed to investigate the expenditures from the contingent fund of the house of representatives, be continued by report by bill or otherwise at the next session of congress.

Mr. S. said that he felt it due to the members of the committee to state, that immediately after the adoption of the resolution upon which they were appointed, they entered into the discharge of the duties assigned them. Communications were addressed to the several officers of the house having control, either directly or indirectly, of the contingent fund, and their answers to various interrogatories were received. The examination in the clerk's office were laborious and much time was necessarily to the preparation of the tabular information called for by the committee. When the clerk's report was received by the committee, the session of the house had so far progressed as to justify the belief of an adjournment, leaving to the committee not sufficient time for such an investigation of the matter submitted to them as would be satisfactory to themselves or the house. He himself had been constantly engaged on the committee of elections, and his colleagues on the committee of investigation had also been embarrassed by their labors on other committees. Had they, however, supposed that the session of congress would have continued to the present time, they would have endeavored to have reported fully on this important subject. The resolution now offered, he said, simply proposed the continuance

over of the committee until the next session, in order that they might report. All the materials were in possession of the committee, and all which was time to fit it for the action of the house.

Mr. S. said the committee had found the field in which they had been engaged an ample one, imperiously requiring the hand of retrenchment and reform. The expenditures from the contingent fund had been in many respects wasteful and extravagant, and he hoped all would unite in correcting them. As to the stationery furnished for the use of the house, much of it had been of opinion existed in relation to the best mode of providing and distributing it among the members. Some were in favor of cutting it off altogether, and leaving the members of the house to furnish themselves. Others preferred supplying a fixed and limited quantity, while some proposed paying to each member a specific sum, in money, by way of commutation, in lieu of stationery. These various schemes would all be duly considered by the committee, should the present resolution be adopted, and some permanent and useful reform, as he hoped, be conceived in. That the house might see that in this department, no saving needed, he would, without going into details, call its attention to the following statement of expenditures from the contingent fund, as to the two articles of printing and stationery, for the last three congresses:

Twenty-fourth Congress, 1836 and 1837.

Printing, ... \$148,288 39

Stationery, ... 24,127 47

Twenty-fifth Congress, 1838 and 1839.

Printing, ... \$172,415 86

Stationery, ... 7,684 86

Twenty-sixth Congress, 1840, and to 31st May, 1841.

Printing, ... \$99,664 40

Stationery, ... 35,966 75

Twenty-seventh Congress, 1841, and to 31st May, 1842.

Printing, ... \$158,171 15

Stationery, ... 35,966 75

As a part of the stationery expenditures of the 25th congress, Mr. S. stated, the committee had found the following other items:

83,700 quills, ... \$3,953 12

15 gross steel pens, ... 4,569 39

15 barrels of ink, ... 528 50

Making pens for members, ... 476 25

Mr. S. stated the estimate furnished by the clerk of the house to the committee of ways and means of the expenses for stationery for the next session, at \$15,000, which was a great reduction, though he thought still too high. The resolution adopted on Saturday forbade the clerk to purchase any paper until after the commencement of the next session, and he hoped the committee would be able to make full report before any further purchase would be necessary.

Mr. Waterson moved to amend the resolution by adding thereto the following instructions:

"And that said committee be instructed to inquire into the propriety of directing the postmaster of the house to keep the stationery account of every member during each session of congress."

Mr. S. then accepted the instructions offered by Mr. Waterson, as a modification of his own resolution.

Some conversation followed, in which Messrs. Briggs, W. F. Irwin, and McKay participated.

When the question was taken, and the resolution, as modified, was adopted.

Mr. Hatfield, chairman of the committee on elections, called up the report of that committee in the case of David Levy, delegate from the territory of Florida. He asked Mr. Levy if it was his wish to be heard by counsel.

Mr. Levy then took the floor to argue his case, in person. He urged a postponement to the next session, in order that he might collect evidence of his citizenship, which it had been impossible for him to do at this session. He made a very able and eloquent plea, displaying the peculiar hardship of his case in a very strong light. He complained of information in the table of evidence against him of want of due notice of the grounds on which his right was contested, and of the shortness of the time allowed for the collection of testimony in his favor. He deprecated also the allusion made by Mr. Stanley and others, on Saturday, to the New Jersey case of last congress, which was thought might be an attempt to array party feeling against him.

Mr. Hatfield, in presenting the case on behalf of the majority of the committee, made explanations of the remarks made by himself and Mr. Stanley in reference to the late New Jersey case. No party affect was intended. The rule being that the next decision on such a subject is the law, he (Mr. H.) was anxious to remove the precedent established in the last similar

case, (which he did not name), by which the claimants were denied a hearing before the house, and for that reason, he introduced a resolution to allow Mr. Levy the privilege of being heard (by counsel or in person) by those who were to judge of his case. Mr. Hatfield then replied to the arguments by which Mr. Levy had urged a postponement.

Mr. McKon spoke in favor of allowing more time to Mr. Levy for collecting evidence of his citizenship.

Mr. Stanley disclaimed the motive imputed to him by Mr. Levy. He made a sportive remark on Saturday, with a view merely to call the attention of the world to the difference between the action designed on this case and that taken in the N. Jersey case. He never made any remark intended or calculated to express feeling unfavorable to the gentleman from Florida.

Mr. Levy declared he had not intended to make such an imputation.

Mr. Gemble (being one of the committee on elections) made a statement of reasons for not allowing the postponement of a decision.

Mr. Levy replied to some of the objections of Mr. Gemble.

Mr. Wise advocated the postponement.

Mr. Levy replied, very briefly; and then, on motion of Mr. Pope, the house adjourned, at half past one o'clock.

TUESDAY, SEPT. 7. Mr. Harris presented the proceedings of a large meeting of the democratic party, recently held in Clarke county, in the state of Virginia, strongly disapprobatory of the general course of the whig party—inveighs against the necessity or propriety of this extra session; and is condemnatory of the measures which have been taken as the result of its labors; and expressing their joy and gratification in the honest and intrepid course of the president in vetoing the bank bill, and according to him their respect and confidence for preserving the constitution inviolate, and saving the country from the disastrous consequences of such a measure. Mr. H. moved they be received and laid on the table; which was agreed to.

On leave given, Mr. Russell presented the proceedings of a meeting of 150 delegates from the counties of Ross, Pike, Jackson and Hocking, in the state of Ohio, approving of all the leading measures of the present congress, and expressing their reprehending in strong terms the exercise of that kindly power called the veto. The resolutions were laid on the table.

On leave given, Mr. Calhoun offered the following resolution; which was adopted:

Resolved, That the committee on public buildings make a report on the practicability of ventilating the hall of the representatives upon a plan recently adopted for the house of parliament in England; and if deemed practicable, to report how the same may be adapted to this hall.

On leave given Mr. Talliferro offered the following resolution:

Resolved, That the clerk of this house do pay to William Smith the same compensation per diem and mileage as is allowed to members of congress; computing the per diem allowance from the 9th day of July last, that being the period when the said Smith appeared before the committee on elections, to contest the right of Linn Banks to a seat in the house of representatives, of the 4th September, inclusive, that being the day when, at the instance of Linn Banks, the sitting member, the contest was postponed to the next session of congress, in order to enable the contestants to procure additional evidence to sustain a right to the seat he occupies; and that after the committee had progressed as far in the contest as, from the evidence before them, as far as the contestants could procure, would enable the majority of the legal votes cast in the election to have been given to the said Smith.

Some remarks were made by Messrs. Talliferro, Briggs, Appleton, Talbot and Briggs.

Mr. Talliferro then modified his resolution to read as follows:

Resolved, That the clerk of the house do pay to William Smith the same compensation per diem and mileage as is allowed to members of congress; computing the per diem allowance from the 9th day of July last, that being the period when the said Smith appeared before the committee on elections to contest the right of Linn Banks to a seat in the house of representatives, of the 4th of September, inclusive, that being the day when, at the instances of Linn Banks, the sitting member, the contest was postponed to the next session of congress, in order to enable the contestants to procure additional evidence to sustain a right to the seat he occupies.

When on motion of Mr. Fillmore, the resolution was laid on the table.

On motion of Mr. Hatfield, the house resumed the consideration of the following resolution, (with the report of the committee thereon.)

Resolved, That David Levy, the returned delegate from the territory of Florida, be allowed until the first Monday of December next to procure testimony

to prove his right to the seat he now occupies, as delegate from the said territory."

"The distinguished statesman to the house of representatives that he has a well-grounded expectation of being able to maintain by sufficient proofs the right of Moses E. Levy to the benefit of the 6th article of the treaty between Spain and the United States, of the 23rd February, 1819, as an inhabitant of Florida; and of the right of citizenship, through his father, the said Moses E. Levy, to the enjoyment of the privileges of citizenship of the United States. He therefore desires a postponement of the consideration of his case, as proposed in the resolution submitted this morning; being well assured that the best mode of justice to the question before it is the present condition of the testimony. D. LEVY."

"September 6, 1841.

Mr. Pope moved the previous question.

But the speaker having decided that the previous question, if seconded, would cut off the motion to postpone, and leaving the house to direct on the report of the committee, Mr. F. withdrew the motion.

Mr. Sumners (a member of the committee of elections) addressed the house at length on the general facts and law of the case, in favor of the report of the committee, and in explanation and vindication of its course of the proceedings.

After a few remarks from Mr. Pope—

Mr. Ward asked the yeas and nays on the adoption of the resolution, which were ordered, and, being taken, were as follows:

YEAS—Messrs. Adams, Arnold, Arrington, Atterton, Bancroft, Benton, Biddle, Bonaparte, Borden, Brown, Brown, Burke, Wm. Butler, Wm. O. Butler, John Campbell, Wm. B. Campbell, Thomas J. Campbell, Carothers, Chase, Chapman, Clinton, Coles, Cowen, Crampton, Cullen, Edwards, Egbert, Ferris, J. G. Floyd, Chas. A. Floyd, Forance, Gerry, Goggin, William O. Goode, Gordon, Graham, Green, Greig, Gustine, Habersham, Harris, J. Hastings, Hays, Henry, Holman, Hopkins, Houck, Houston, Howells, Hubbard, Hunter, Ingersoll, James Irvine, W. W. Irwin, Jack, James, J. W. Jones, Keim, John P. Kennedy, Andrew Kennedy Lane, Lawrence, Lewis, Linn, A. McClellan, R. McCallister, McKay, McKoon, Marchant, A. Marshall, T. F. Marshall, J. T. Mason, Mathiot, Mathews, Maxwell, Medill, Morrow, Newhard, Owsley, Partridge, Payne, Pendleton, Plumer, Pope, Powell, Randall, Rayner, Rencher, Rogers, Rogers, Rogers, S. Shepherd, Shields, Simonton, Slide, Snyder, Sprigg, Stearns, Alexander H. H. Stuart, J. T. Stuart, Sweney, Tallington, Talbot, Triplett, Turney, Van Buren, Ward, Watson, Webb, Williams, Williams, Windrop, Wood—123.

NAYS—Messrs. Allen, L. W. Andrews, S. J. Andrews, Ayres, Baker, Emory, Bonduras, Borden, Calhoun, John C. Clark, Cowen, Cranston, G. Davis, J. Edwards, Everett, Fillmore, A. Lawrence Foster, Hall, Halseid, Hudson, King, Samson Samson, Mattocks, Maynard, J. M. Morgan, C. B. Osborne, Ramsey, E. Randall, Ward, Watson, Webb, Williams, Williams, Windrop, Wood—123.

So the resolution was adopted.

On motion of Mr. Underwood, the house took up the bill to provide for the repairing of the Potomac bridge, which had been returned from the senate with an amendment.

The amendment provides that the work shall be done by the government, without contract, instead of being done by contract, under the supervision of an officer of the engineer corps, as originally provided in the bill.

After a few remarks from Messrs. Underwood and Keim, Mr. Keim had been read to lay the bill and amendment on the table; which motion was rejected.

The amendment of the senate (under a slight verbal modification) was then concurred in.

Mr. Irwin, from the committee on enrolled bills, reported that the committee had examined the bill making appropriations for various fortifications, for paying and for preventing and suppressing Indian hostilities, and had found the same to be correct.

Whereupon the bill received the signature of the speaker.

On leave given, Mr. Proffit offered the following resolution, which was adopted:

Resolved, That the secretary of the treasury be directed to inform this house what amount has been expended in the purchase of furniture for the custom house at New York since the 4th of March, 1841; also, the items of furniture purchased by the authority of the treasury, and out of what particular funds payment has been or is contemplated to be made.

Mr. Dawson, from the committee on military affairs, to which he had recommended the bill making appropriations for the purchase of certain sites for fortifications, reported back a bill making an appropriation for a single item only, to wit, \$33,000 for repairing the forts and batteries on Staten Island, New York.

The bill having been read twice, was referred, on motion of Mr. *Dawson*, of Georgia, to the committee of the whole on the state of the union.

And, on motion of Mr. D. the house resolved itself into committee of the whole on the state of the union, (Mr. *East*, of New York, in the chair), and took up the bill.

After some explanations between Messrs. *Dawson* and *Fillmore*—Mr. *Charles Brown* offered the following amendment:

That for the purchase of sites and commencing the erection of fortifications on the Delaware and New Jersey shores, opposite to the Pea Patch island, in the Delaware river, the sum of one hundred thousand dollars.

Mr. *Dawson* rose to a point of order, the amendment being for new works.

Mr. *Brown* said he was sorry to hear the chairman of the military committee say the amendment was out of order, for he had waited patiently all the session for an opportunity to call the attention of the house to the subject; but he supposed it was, and would be always, out of order to ask for or obtain any appropriation for the defence of the Delaware, while it was, and would be, in the hands of the British; and make appropriations for the defence of other places, and particularly to that of New York, for this was the third bill during this session that had been brought in appropriating large sums in the defence of that state.

The amendment was decided out of order.

The committee then rose and reported the bill to the house.

And having been ordered to a third reading now, the bill was read a third time and passed.

Mr. *Ferris*, from the committee on foreign affairs, to whom was referred a message from the president of the United States, transmitting information, desired by the house, in relation to the American citizens now British prisoners of state in Van Dieman's Land, reported the following resolution for the consideration of the house:

Resolved by the house of representatives of the United States of America, That the president of the United States be requested to consider the propriety of entering into negotiations with the British government for the purpose of obtaining the release of the American citizens of the United States as may now be detained in Van Dieman's Land, or in any other part of the British dominions, for any alleged or actual participation in the late insurrection in the West Indies.

Mr. F. sustained the report in a few animated remarks.

Mr. *Adams*, after alluding to what he termed the sublime oration of the gentleman from New York (Mr. *Ferris*) in favor of those persons who were citizens of the United States, and who had thought proper to take a part in the late insurrection in Canada, against the direct proclamation of their own president of the United States, warning them against that sublime patriotism against the laws of their own country, against the laws of the country which they inhabited, and against the laws of God and of man, proceeded to say: Whilst we were of the point of civil war between the government of the United States and the most powerful government in this union, on account of a transaction that has occurred there, we were now in pursuit of that very same sort of patriotism that had produced the difficulty, and in consequence of which we were now in such a position, the government of one of the most powerful nations on the earth, that, by the last news received, it appeared that that government had ordered fifteen ships of the line to cruise along our coast, and give their opinion as regarded to Canadian patriotism, and of the right of the state of New York to hang McLeod. While the question was being agitated between the government of the United States and that of New York, as to the exercise of each other's power in order to save that man from destruction by popular passion, this time he had been chosen to call upon the president of the United States to negotiate with the British government in behalf of those unfortunate persons who had violated alike the laws of the country which they had invaded, and those of the country from which they went. Now, it did appear to him that there should be some sort of consistency in the course of proceeding on the part of this house. When we were asking Great Britain to forget all these little trespasses upon their laws, their constitution, their government; to forget the crime of treason, for which these men, according to their laws, had been tried and transported—transported by the mercy of the government—transported, instead of being hanged, drawn and quartered, as they had exposed themselves to be by the course of their patriotism: Mr. A. would say that, if we were to ask the president to negotiate with Great Britain on behalf of these persons for mere mercy, for mere forgiveness, and that they might return to their homes, and that as well first to say what was going to be done with McLeod?

There were two sides to this question, and before we undertook to interfere with the British government, in order to countenance and force an insurrection against them, by obtaining the immunity of our citizens from the punishment to which their conduct had subjected them, it would be as well to ascertain who they were, what they were, and the circumstances under which they were now in Van Dieman's Land. Mr. A. here referred to a resolution, adopted some time since, calling for information on this subject, and then he proceeded to ask what information this house had received since that time? Who knew what they were, and where they were? how they came there? what were the true facts? what was the proof against them? what they had done? what was to be said in excuse or mitigation of punishment for the crime of which they had been found guilty? Before they undertook to ask the president of the United States to negotiate on this subject, it seemed to him they ought to have some justification for the act; for looking to the present state of affairs with Great Britain, it was a very delicate matter to meddle with.

There was one point of view in which this report ought to have appeared to him objectionable, and that was, that it knew what then to the president of the United States, but it told him to take the subject into consideration. Now, that for the purpose of casting odium upon the president if he did not do it! He presumed the president would not do it unless he asked for something, and then the resolution ought to him. He asked if there had been any objection to the part of any citizen of the United States, upon this government to interpose in this matter. Now, in order to place in its proper point of view the position in which the president would be placed with the British government, in undertaking that which was recommended to him, he (Mr. A.) would suppose an insurrection of slaves in this country, and in consequence of that insurrection being suppressed and the transportation of those slaves to a foreign country—who would you say, what would southern gentlemen say, if the British queen should send a minister here, who asked to release that race back those slaves who have incurred the forfeiture of their lives and been transported afterwards by way of commutation of mercy? He would ask southern gentlemen what they would think of a foreign interposition of that kind in favor of those slaves—to restore to them all the rights which they had forfeited, and which they might be? It appeared to him that the British government might, with just as much propriety, interpose in this case, as we could in the other; for most assuredly, in the estimation of all impartial persons, if those people in Canada were fighting for their own rights and liberty, and against the law of the United States, in any other light. Indeed, it would be more proper interposition by one government with another than an insurrection in Canada.

Now, he would say, that this resolution must be considered with these references to what he should think of the government, but to this our own government, for expressing its opinion on this motion, and on account of their conduct; whether there was anything to show that they were entitled to that sort of commiseration; for we must go as suppliants in this case, whatever we might do in that of McLeod. We should go to the house of justice, of the sentence by which they were transported, and we must assume an authoritative tone in such a case as this. He knew of one American citizen, a native of New Hampshire, who was engaged in that insurrection, and he (Mr. A.) recollected having signed a paper of protest to the British government that his life might be spared. He was a young man, and perhaps was impelled by bad counsel, though probably having good intentions, to engage in the insurrection. He was tried, convicted and sentenced to execution, but his sentence was commuted to transportation; and he (Mr. A.) did not know but what this person might be now at Van Dieman's Land.

Mr. A. could not possibly consider this resolution in any other light than intended to interfere—no, he would not say intended, but a very dangerous interference; and its tendency would be toasperate and excite the passions of the people, and to lead them, instead of being in that conciliatory disposition in which some gentlemen might think it would be regarded. Mr. A. concluded by reiterating his hope that this resolution would not be adopted until all the information he had stated as necessary should first be obtained.

Mr. *Holmes* submitted a few observations in favor of the adoption of the resolution,

When Mr. *Steady* rose and said: It was a remark of Lorenzo Dow, I think, that an idle brain was the devil's workshop. We are about to prove the truth of it. We have nothing to do, and while waiting on the action of other departments of the government on our measures, we are in danger of engaging in debating one of the most exciting subjects which can be presented for consideration. I hope, sir, we shall avoid this by adjourning at once to-morrow.

The motion prevailed, and the house adjourned.

WEDNESDAY, SEPT. 8. The resolution relating to American prisoners transported to Van Dieman's Land being first taken up—

Mr. *Everett* moved to lay it on the table, on which motion the vote was: yeas 50, nays 51. So the house refused.

The resolution was discussed by Messrs. *Wood* and *McKen* until the expiration of the morning hour.

The house then took up certain bills returned from the senate, and referred them. The bill for diplomatic appropriations was referred to the committee of the whole on the state of the union. The bill relating to the Choctaw reservation was referred to some remarks from Messrs. *Fillmore*, L. *William Chapman* and J. *Brown*, referred to the committee on Indian affairs. The bill relating to duties on drawback was referred to the committee of the whole.

On this day, Mr. *Fillmore*, the house resolved itself into committee of the whole, and took up the revenue bill—Mr. *Barnell* in the chair.

The committee then proceeded to vote on the amendments of the senate. They agreed to the amendment changing the time of the commencement of the operation of the act, to that striking out watches, gold lace and jewelry from the free list; to that exempting paintings and sculptures by American artists residing abroad.

On the 4th amendment, adding "boracic acid" to the free list, Mr. *Wise* moved to amend the senate amendment, by adding "boracic acid" to the free list.

A long and desultory debate arose on a question of order. The chair decided that the amendment was, in order, and in conclusion the committee affirmed the decision: yeas 44.

The amendment to the amendment was rejected: yeas 21, nays 51.

Mr. *Wise* moved to amend, by exempting "iron" from duty.

Mr. *Irvine* moved to amend Mr. *Wise's* proposed amendment, by exempting also "sugar, cotton and tobacco."

Mr. *Wise* withdrew his proposed amendment.

The committee then agreed to all the other amendments to the first section.

On the question of concurring in the amendment adding to the second section a proviso that no duties shall exceed twenty per cent.—Mr. *Fillmore* opposed its concurrence. A discussion followed on the subject—Messrs. *Wood* and *Barnell* advocating the senate amendment, and Messrs. *Fillmore*, *Cushing* and *Tillinghast* opposing it. Mr. *Fillmore* moved to amend by striking out the senate amendment and inserting a proviso that nothing in the bill should interfere with the distribution act.

The amendment was thus amended accordingly, and the amended amendment was adopted—yeas 33 to 69.

The other amendments were then adopted with only slight verbal alterations.

All the amendments having been concurred in, the committee rose and reported the bill with amendments.

Mr. *Wise* moved to amend the amendments by adding "salt" to "tea and coffee."

Mr. *Steady* moved to amend that amendment by adding to "salt," "sugar, cotton, tobacco and iron," on the list of free articles.

Mr. *Wise* acquiesced, and demanded a division of the question so that each article might be voted on separately.

On exempting "salt," the vote was 94 yeas, to 83 nays—therefore adopted.

On "iron," 82 yeas to 100 nays—therefore rejected.

On "sugar," 105 yeas to 75 nays—therefore adopted.

On "cotton," 105 yeas to 75 nays—therefore adopted.

On "tobacco," 82 yeas to 96 nays—therefore rejected.

Mr. *Underwood* moved the house adjourn. On which the vote (by tellers) was yeas 80, nays 83.

Mr. *Wise* moved to reconsider the vote on "salt."

Mr. L. W. *Judson* moved to lay the whole subject on the table.

Mr. *Judson* moved to reconsider the vote on "iron."

Mr. *Fillmore* moved an adjournment; on which the yeas and nays were ordered.

The house voted to adjourn: yeas 98, nays 88, and at a quarter past three they adjourned accordingly.

THE AMERICAN REVOLUTION. Sydney Smith thus happily ridicules the blindness of English bigotry, in refusing to listen to the reasonable demands of the American colonies, and its result:

"There was a period when the *slightest* concession would have satisfied the Americans; but all the world was in heroics; one set of gentlemen met at the Lamb, another at the Lion; blood and treasure men, breathing war, vengeance and contempt; and in eight years afterward, an awkward looking gentleman in plain clothes walked up to the drawing room of St. James', and was introduced as the *Ambassador* from the *United States of America*."

AVAILANCES. About four weeks since nearly an acre of Ellis' cliffs, 12 miles below Natchez, on the east side of the Mississippi, slid into the river, making a tremendous agitation and throwing immense waves upon the Louisiana side. Hundreds of fish were left high and dry. Since then a large lot of ground in the town of Plaquemine plunged into the river—and the inhabitants fear that more will follow.

BANK OF THE U. S. OF PA. A number of suits were commenced against this institution last week; and, among them, one of formidable amount by the corporate authorities of Philadelphia, as trustees of the Gerard fund. On the 4th September the directors of the bank assigned over the whole concern to five trustees, viz.: James Robertson, president of the bank; J.S. Newbold, a director; Richard Bayard, of Delaware; Thomas S. Taylor, cashier; Herman Cope, assistant cashier.

This assignment does not interfere with the two special assignments heretofore made.

Samuel Jaudon, esq. agent for the United States bank, left Boston on Wednesday in the steamer Columbia for Liverpool.

BANKS. *The Bank of the Metropolis* has been selected as the depository of the public funds at the seat of government.

The *North American Trust and Banking company*, of New York, has had a receiver appointed by the chancellor of the state, and is ordered to wind up its affairs. Its stock is selling at \$3- for \$100 original. In 1839, Mr. Hoyt, by direction of president Van Buren, loaned \$300,000 to this institution, but it has been repaid.

The New York branch of the *Bank of the U. S. of Pa.* has brought suit against the editors of the *Journal of Commerce*, for libel; damages claimed \$100,000.

THE BOOK TRADE. The semi-annual sale of the trade commenced in this city on Monday morning, at the rooms of the Messrs. Messinger, Richards & Platt, in Broadway. These sales are conducted under the direction of a committee of booksellers, and are made up of contributions from the principle manufacturers and importers in the United States. We noticed in attendance publishers and booksellers from most of the cities in the union, and observed that the sales went off quite spiritedly, and at very low prices. The sale usually commences at 10 o'clock, and the amount sold is enormously large. The catalogue of the present sale contains upwards of 1600 titles.

[N. Y. Tribune.]

COCKROACH OIL. The French papers say that a chemist at Havre has obtained twenty quarts of good lamp oil from seventeen bushels of Cockroaches. We should like to make a contract with this philosopher for the supply of the material for the "essential oil" of Musquitoes; furnishing him half a bushel or so, for as much of their oil as would afford light enough to kill them by

N. Y. Courier.

THE CALIFORNIA FLOUR. The grain of this article was brought by a trader from Middle California, 33 degrees of latitude, and it has been found to be a superior article of flour. It was obtained and introduced by major Thomas P. Spier, who was in the north west, in the employ of the United States army, at a place called Fort Bidwell, in Mohave county, Ariz. This place is in the north west, in the 33rd degree of latitude, 112th degree of longitude, South Carolina, latitude 34 degrees 10' N. The crop of this year, 1941, is superior to that of last year, 1940, in the size of the heads, superior product, and the fact that it is a hard wheat. The following are the reasons seen the wheat grow, assert that on proper wheat land well prepared, early bushels can be raised on an acre of land, yielding from 100 to 150 bushels. The fact that it is a hard wheat, and each bushel can be a full head wheat contains from one hundred to two hundred grains. The best head of our common wheat will only shell out from 100 to 150 grains. The other advantage of this wheat is that it is not so subject to disease as other kinds of wheat and will withstand high winds and storms. It also grows and matures well westwardly in the 33rd degree of North latitude, and is a superior article of flour. It is a great acquisition to the agricultural community and we hope all that its most have a fair trial, when it will prove itself all that its most sanguine friends have said. Flourish it could be.

The above is the strong recommendation of this wheel by several gentlemen of Abbeyville, distinguished as farmers and for their respectability.

CINCINNATI RIOT. On Thursday night, the 2d inst. a quarrel took place on Columbia street, between a few negroes and whites, in which one of the whites was stabbed and so awfully cut that his life was despaired of. Two or three thousand persons thereupon collected nevertheless around the houses of the negroes, in Sixth

east of Broadway. The negroes armed themselves with muskets and fired upon the crowd. Two whites and two negroes were killed, and from 15 to 20 wounded, mostly whites. A cannon was brought up, and loaded with slugs and fired several times, raking Sixth street.—The mayor, who was on the ground all night, called out two military companies, the Grays and Guards, and both squares from Fifth to Seventh, were guarded by, and under control of the military and a large body of armed volunteers, the negroes being all confined to their houses.

During Saturday meetings were held by the citizens and the city council, and measures taken to prevent further outbreaks; but without effect. Search was made by the police on the night of the 10th inst. for a place where a gambling establishment, as reported. In the afternoon the military escorted the negro men from about 300 in number, to the jail, and secured them from the appearance of the rioters. On the night of the 11th inst. Saturday night the rioters carried on their proceedings in different parts of the city. The houses on Sixth street were much injured and burned, and with difficulty prevented from spreading on the fire. On the 12th inst. a mob gathered on Fifth street, was completely turned inside out, and all his stock and fixtures destroyed—the proprietor himself having left the city in the morning for the purpose of procuring arms. On the 13th inst. the commencement of the disturbances, it having been reported he had furnished the negroes with ammunition. The office of the Philanthropic Society, on Broadway, was burned, and the furniture, books, and papers, broken and carried to the river and thrown in—some paper and some type were destroyed. Another party was at work at the corner of Western-row and Broadway, and the property of the same destroyed. The property in that quarter. Patrols of the military, infantry and horse traversed the streets in company with the police, but without being able to prevent the destruction of the property. On the 14th inst. the military, under the command of the sheriff, About fifty of the most active of the rioters were secured by the spirited exertions of the police officers, detained citizens, and especially by firemen, and taken to the jail. The rioting continued, and determined resolution throughout the whole night.

CANAL BOATS. In Dock street yesterday morning, we saw exhibited a specimen of the manner in which some of the energetic forwarding houses send their huge canal boats, freighted with merchandise, at the rate of twenty miles the hour over dry land. One of the largest portable canal boats, divided into three parts, passed over the Dock street railroad track. These portable cars are run directly into the locks, and without transhipment, the goods pass over railroads and through canals to Pittsburg and thence to the West.

burgh. [Nat. Amer.]

CHARLES DAVIES, LL. D. formerly professor of mathematics at West Point, has been appointed professor of mathematics and natural philosophy, in Washington college, Hartford, Conn.

COAL. Upwards of 130 vessels arrived at Schuylkill Philadelphia, last week to carry coal from thence. The Pottsville Journal says that nearly 25,000 tons were shipped last week from that region.

DEATHS. During the last week, in New York 191, of which 96 were under 2 years of age—and 18 were of consumption.

Another notable Joseph Nourse died at Georgetown on the last day in the 88th year of his age. Mr. Nourse was born in London in 1754, emigrated and settled in the lower part of Virginia in 1769; entered the American army in 1776, and continued during the war in service. Afterwards in various civil positions, until in 1789 he was appointed by President Washington as assistant to the United States treasury, in which station he ably assisted Hamilton in organizing that department, and continued at that station until 1829. From youth up he believed and lived as a Christian; and, when full of years, departed without even a struggle, to a brighter and better world. His remains were deposited in the family vault, and he is recorded by the press in the 89th year of his age.

Cyrus Wingate, esq. died on the 14th ult. at his late residence, Owen county, Ky. of which he was presiding judge, in the 54th year of his age. He had served twenty years in the legislature of Kentucky, and was deservedly esteemed.

True and Sons, N. B. St. John papers of the 27th ult. furnish accounts of a destructive fire at this place on the day previous. A large ship of 900 tons, belonging to Messrs. Owens & Duncan, was building at the yard, hoisted over and ignited. The fire communicated to the ships around, and before it was discovered it had increased to an alarming extent. The flames communicated to the wooden buildings in the vicinity, and their progress could not be stayed until about fifty houses in the parish were consumed. A large sum of money was expended in insurance, was effected, and the loss to many individuals would be very serious, particularly to the owners of the ship. The first loss was that of the ship, which was a fine vessel, while running to prevent a man from passing with his cart, captured a blood vessel, and died instantly, and a sailor, who was assisting, was smothered

FLOUR. The accounts in relation to the appearance of the approaching harvest brought by the *Britannia*, ha-

the effect of immediately raising the price of flour along our whole seaboard, varying from 50 cts. to \$1 per barrel. Wheat did not feel the impulse so sensibly, millers being aware that in a few days we should more distinctly ascertain the real result of the British harvest, hesitate to adventure much beyond previous prices for the article. Farmers are awake too, and generally decline to sell at the present juncture, in hopes that the next arrival will bring accounts of the clearing of the grain, and the consequent reduction of duties. Except in cases where purchasers were in possession of the foreign news, and sellers not, no considerable quantities of either wheat or flour seems to have changed hands.

JOHN JOSEPH GURNEY, the distinguished minister of the Friends society, who lately travelled extensively in this country and the West Indies, has, we understand, since his return to London, given weighty testimony of the attachment which he formed during his sojourn amongst us, and afforded another instance of the influence which American manners acquire over the hearts of London bankers, even of the most staid habits. It is understood that a fair Pennsylvanian is about to pass time with him in the true old orthodox style.

McLeod. A late London paper contained a statement that McLeod was confined in a dungeon, and laden with heavy irons, weightier than those placed upon murderers in Newgate. In relation to this statement the *Union* "Friend of Man" says: "McLeod is now in jail not a hundred rods from our office, in the quiet village of Whitesboro'. And we can assure the London Journal that so far from being in heavy irons, he is not even confined to a cell or room. He spends most of his time, and in every company, in the parlor of the jailer's house. On almost any pleasant morning he may be seen enjoying himself in a promenade upon the garden walk. Indeed he is spending his time among us as one of our first 'gentlemen of leisure.'"

METHODISTS. The Wesleyan conference was in session at Manchester, at the date of our last advices from England. The question of the ministers wearing silk gowns in the pulpit had been discussed, and it was decided that the gown should not be worn. The centenary fund had reached £190,000, and it is expected that the amount will eventually be made up to about one million of dollars.

NEW HAVEN, with a population of 15,000, has suffered but \$2,478 loss by fire in two years.

NORWEGIANS. A detachment of 160 Norwegian passed up the lake in the Missouri this morning. They are a swarthy, robust people, and appear capable of enduring great fatigue. They were destined for Milwaukee and among other articles carry with them one of the native sleighs, constructed mostly of iron, and designed for a lady and gentleman. The formation of the vehicle was peculiar, being very narrow, so as to compel the bearer to sit astride a small saddle behind the lady, instead of on her side, as is the custom of this country. Barring this inconvenience, the Norwegian sleigh would be a rare vehicle on the lake in winter. [Buffalo Cong. Adv.

NEW ORLEANS. Twenty-three deaths occurred during the 24 hours ending 31st ult. of which 15 were by yellow fever.

PENNSYLVANIA CANAL. The Harrisburg Reporter states that the Pennsylvania canal from Dunsmuir's Island to Middletown is very short but the chain of transportation from east to west and north, is almost entirely devoid of its necessary element, water, owing to the drought which has so long prevailed on the Susquehanna and its tributaries. The dam on Dunsmuir's Island, Pennsylvania, it is, as a matter of fact, not only a dam, but means furnish the supply needed for that part of the canal it is intended to feed; especially during the month of August and September. It is added that about one hundred boats are now detained at Middletown, Pennsylvania, and it is with great difficulty that light boats are passed.

RATTLE SNAKES. Two men, Egbert Galusha and Reuben Davis, residing in the town of Dresden, on the east side of Lake George, recently killed in three days on the east side of Tongue Mountain, in the town of Bolton, in this county, eleven hundred and four rattlesnakes. They were confined to rocks and uninhabited places. Some of the reptiles were of an enormous size, carrying from six to twenty rattles. They were killed for their oil or grease, which is said to be very valuable. We will turn out Warren against the world for rattlesnakes. [Glenn's Fall's Clarion.]

RICE. The harvest on the Savannah river, (says the Savannah Republican of the 1st instant), has already considerably progressed, the fields are loaded with piles of its rich golden sheaves, and the product promises to be a full one.

STOCKS. *Consols*, for money, closed on the London exchange, 17th August, at 89½ to 90; reduced 89½.

Paris, Aug. 16. Three per cents. 77½. 65 to 77½. 70.
Closed at 77½. 60—fours 116½. 60 to 116½. 65.
New York, Sept. 9. A further decline in nearly all d

scriptions to-day: U. S. bank 7½; New York 5's 86½; Indiana sterling bonds 51; dollar bonds 49½; Delaware and Hudson 103½; N. A. Trust 3; Vicksburg 7½; New Orleans 95; Canton 24.

WHEAT Last year Pennsylvania produced 13,000,000 bushels of wheat, and 40,000,000 bushels of coarse grain.

NILES' NATIONAL REGISTER.

FIFTH SERIES.—No. 3.—Vol. XI.]

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NILES' NATIONAL REGISTER.

This number brings up the abstract of proceedings in both branches of congress to the end of the extra session, which closed on Monday evening last.

The great importance of the measures under consideration, and the deep anxiety felt all over the union in the progress of legislation upon those measures, is our excuse, if excuse be necessary, for appropriating so large a space as we have since the commencement of the session to congressional proceedings. It has been an eventful period, and will often be recurred to by the future historian, as well as by the people, and especially by partisan politicians.

A list of the ACTS and RESOLUTIONS passed during the session, is inserted on page 47.

Upon the leading topics of the session we shall select some of the principal speeches on each side, for insertion in future numbers of the REGISTER.

THE CABINET. All the members of the Harrison cabinet, except Mr. WEBSTER, having resigned, the names of their successors will be found in the list of appointments made by the president and confirmed by the senate.

The letters of resignation of Mr. CRITTENDEN and Mr. EWING—and the notes of Mr. WEBSTER assigning reasons for continuing in the cabinet are inserted in this number. The other resignations have not yet been published.

NATIONAL AFFAIRS.

APPOINTMENTS BY THE PRESIDENT, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

Walter Forward, secretary of the treasury. John McLean, secretary of war.

J. P. Lynch, secretary of the navy. Charles J. Wickliffe, of Kentucky, postmaster general.

Hugh S. Legere, attorney general. Charles B. Penrose, solicitor of the treasury.

Edward Everett, to be minister to Great Britain. William Hunter, (now charge d'affaires), to be minister plenipotentiary to Rio de Janeiro.

Robert W. Walsh, secretary of legation to the same. William Bouthard, of Virginia, charge d'affaires to Naples.

John Lathrop Mudge, of Massachusetts, secretary of legation to Russia.

Brantz Ward, of Maryland, secretary of legation to Mexico.

James D. Doty, governor of Wisconsin. Major S. Churchill, to be inspector general of the army, in the place of General Wool, promoted.

Ed Collins Lee, attorney of the United States for the district of Maryland.

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LAND OFFICERS.

James Wilson, surveyor of the public lands for the territories of Wisconsin and Iowa.

George W. Smith, receiver of public moneys at Opelousas, Louisiana.

John Hogan, register of the land office at Dixon, Illinois.

OFFICERS OF THE CUSTOMS.

Edward Curtis, collector, New York.

Thomas Lord, naval officer, do.

William Taggard, surveyor, do.

Alfred D. Benjamin, Edward Taylor, Matthias B. Edgar, appraisers, New York.

POSTMASTERS.

John T. Werner, at Pottsville, Pennsylvania; William M. Porter, at Carlisle, Pennsylvania; Thos. W. Shepard, at Northampton, Massachusetts.

JUDGE UPSHUR has notified the president of his intention to accept the chair of the navy department so soon as he can make the necessary arrangement of his private affairs in Virginia. He visited the department on the 15th instant.

DIPLOMATIC. MINISTER TO RUSSIA. Colonel Todd United States minister plenipotentiary, sailed from New York on the 14th instant, in the splendid packet ship Stephen Whitney, for the court of St. Petersburg.

THE LETTERS OF RESIGNATION. The following letters of the secretary of the treasury and the attorney general, resigning their respective trusts, have been placed in our hands for publication:

[Nat. Int.]

Washington, September 11, 1841.

Sir: Circumstances have occurred in the course of your administration, and chiefly in the exercise by you of the veto power, which constrain me to believe that my long continuance in office as a member of your cabinet will be neither agreeable to you, useful to my country, nor honorable to myself.

Do me the justice, Mr. President, to believe that this conclusion has been adopted neither capriciously, nor in any spirit of party feeling or personal hostility, but from a sense of duty, which, mistaken though it may be, is yet so sincerely entertained, that I cheerfully sacrifice to it all the advantages and distinctions of office.

Be pleased, therefore, to accept this as my resignation of the office of attorney general of the United States. Very respectfully, yours, &c.

J. J. CRITTENDEN.

The President.

Treasury Department, Sept. 11, 1841.

Sir: After the most calm and careful consideration, and viewing the subject in all the aspects in which it presents itself to my mind, I have come to the conclusion that I ought no longer to remain a member of your cabinet. I therefore resign the office of secretary of the treasury, and beg you to accept this as my letter of resignation.

To avoid misunderstanding, I distinctly declare that I do not consider a difference of opinion as to the character of a national bank a sufficient reason for dissolving the ties which have existed between us.—I look upon that measure as one of vast importance to the prosperity of the country, and though I should have deeply deplored your inability or unwillingness to accord it to the wishes of the people and the states, so unequivocally expressed through their representatives, still, upon this and this alone, unconnected with other controlling circumstances, I should not have felt bound to resign the place which I hold in your administration. But these controlling circumstances do exist, and I will, in my own justification place them in connexion before you.

It is but just to you to say that the bill which first passed the two houses of congress, and which was returned by your objections on the 16th of August, did not, in its progress, as far as I know or believe, receive at any time, either your express or implied assent. So far as that bill was known to me, or as I was consulted upon it, I endeavored to bring its provisions as nearly as possible in accordance with what

I understood to be your views, and rather hoped than expected your approval. I knew the extent to which you were committed on the question, I knew the pertinacity with which you adhered to your expressed opinions, and I dreaded from the first the most disastrous consequences, when the project of compromise which I presented at an early day was rejected.

It is equally a matter of justice to you and to myself to say that the bill which I reported to the two houses of congress at the commencement of the session, in obedience to their call, was modified so as to meet your approbation. You may not, it is true, have read the bill throughout, and examined every part of it: but the 10th fundamental article, which became the contested question of principle, was freely discussed between us, and it was understood and unequivocally sanctioned by yourself. The last clause in the bill, also, which contained a reservation of power in congress, was inserted on the 9th of June, in your presence, and with your approbation; though you on that time told me that, in giving your sanction to the bill, you would accompany it with an explanation of your understanding of that first clause.

In this condition of things, though I greatly regretted your veto on the bill as it passed the two houses of congress, and though I foresaw the excitement and agitation which it would produce among the people, and, considering the changes which the bill had undergone in its passage, and its variance from the one you had agreed to sanction, I could not find in that act enough to disturb the confidential relations which existed between us. I was disposed to attribute that act, fraught with mischief as it was, to pure and honorable motives, and to a conscientious conviction on your part that the bill, in some of its provisions, conflicted with the constitution. But that opinion of your course on the bill which has just been returned to congress with your second veto, I do not and cannot entertain. Recur to what has passed between us with respect to it, and you will at once perceive that such opinion is impossible.

On the morning of the 16th of August, I called at your chamber, and found you preparing the first veto message, to be delivered to the senate. The secretary of war came in also, and you read a portion of the message to us. He observed that, though the veto would create a great sensation in congress, yet he thought the minds of our friends better prepared for it than they were some days ago, and he hoped it should be calmly received, especially as it did not shut out all hope of a bank. To this you replied, that you really thought there ought to be no difficulty about it; that you had sufficiently indicated in your veto message what kind of a bank you would approve, and that congress might, if they saw fit, pass such a one in three days.

The 18th being the day for our regular cabinet meeting, we assembled, all except Messrs. CRITTENDEN and GRANGER, and you took part in a long conversation with Messrs. BURNETT and SEAGRAM, who professed to come in behalf of the whigs of the two houses to endeavor to strike out some measure which would be generally acceptable. That you had your doubts about the propriety of conversing with them yourself, and that you more properly thought you should commune with them through your constitutional advisers. You expressed a wish that the whole subject should be postponed till the next session of congress. You spoke of the delay in the senate of the consideration of your veto message, and pressed and dwelt on the tone and temper which the debate would assume.

Mr. BARNES said that on inquiry he was happy to find that the best temper prevailed in the two houses. He believed they were perfectly ready to take up the bill reported by the secretary of the treasury, and pass it at once. You replied "talk not to me of Mr. Ewing's bill; it contains that odious feature of local payments which I have so repeatedly denounced." I then said to you, "I have no doubt that you, sir, that house, having ascertained your views, will pass a bill in conformity to them, provided they can be satisfied that it would answer the purposes of the treasury, and relieve the country." You then said, "cannot stand by me in this emergency? Cannot you see that a bill passes congress such as I can approve without

inconsistency?" I declared again my belief that such a bill might be passed. And you then said to me, "what do you understand to be my opinion?" I answered them: so that I may see that there is no misapprehension about them.

I then said that I understood you to be of opinion that congress might charter a bank in the District of Columbia, giving it its location here. To this you assented. That they might authorize such bank to establish offices of discount and deposit in the several states, with the assent of the states. I then replied, "don't name dishonorable corruptions, and are wholly unnecessary to enable the bank to discharge its duties to the country and the government."

I observed in reply that I was proposing nothing, but simply endeavoring to state what I had understood to be your opinion as to the powers which congress might constitutionally confer on a bank that you replied, "yes, if they be foreign bills, or bills drawn on the state and payable in another." That I am all the power necessary for transmitting the public funds and regulating exchanges and the currency."

Mr. WEBSTER then expressed, in strong terms, his opinion that such a charter would answer all just purposes of government and be satisfactory to the people; and declared his preference for it over any other plan he had proposed, especially that which I had suggested. He assented to the creation of an institution necessary for carrying on the fiscal operations of government. He examined it at some length, both as to its constitutionality and its influence on the currency and exchanges, in all which views I expressed your concurrence, desiring that a bill should be introduced, and expressed my belief that it should go into the hands of some of your friends. To my inquiry whether Mr. SERGEANT would be agreeable to you, you replied that he would. You especially requested Mr. WEBSTER and myself to communicate with Messrs. BERNIER and SERGEANT on the subject, to whom you said you had promised to address a note, but which you doubted not that a personal communication would be equally satisfactory. You desired us, also, in communicating with those gentlemen, not to commit us personally, lest, this being recognised as your measure, it might be made a subject of comparison to your prejudice in the course of the discussion. You and Mr. WEBSTER then conversed about the particular wording of the 16th fundamental article, containing the grant of power to deal in exchanges, and of the connexion in which that grant should be introduced; you also spoke of the name of the institution, desiring that that should be changed. To this I assented, as it would probably be made a subject of objection, as it would probably be made a subject of ridicule, and that institution ought not to be called a bank. Mr. WEBSTER undertook to adapt it in this particular to your wishes. Mr. BELL then observed to Mr. WEBSTER and myself that we had no time to lose; that if this were not immediately attended to another bill, less agreeable to you, might be got up and reported. We then said that we would lose no time.

Mr. WEBSTER accordingly called on Messrs. BERNIER and SERGEANT immediately, and I waited on them by his appointment at 5 o'clock on the same day, and agreed upon the principles of the bill in accordance with your expressed wishes. I then applied to Mr. BELL, the fact, though it did not occur in my presence, that after the bill was drawn up, and before it was reported, it was seen and examined by yourself; that your attention was specially called to the 16th fundamental article: that on full examination you concurred in its provisions; that at the same time its name was so modified as to be satisfactory to all; and the bill was reported and passed, in all essential particulars, as it was when it came through your hands.

You asked Mr. WEBSTER and myself each to prepare and present you an argument touching the constitutionality of the bill; and before those arguments could be prepared and read to you, you were called to the house, that you might put out your right hand rather than approve it. After this new resolution was taken, you asked and earnestly urged the members of your cabinet to postpone the bill; but you would neither give yourself, nor suffer them to give, any assurance of your future course, in case of such postponement. By some of us, and by myself one, the effort was made to gratify your wishes, in the only way in which it could be done with propriety; that is, by obtaining the general concurrence of the whig members of the two houses in the postponement. It failed, as I

have reason to believe, because you would give no assurance that the delay was not sought as a means and occasion for hostile movements. During this season of deep feeling and earnest exertion upon our part, while we were zealously devoting our talents and influence to serve and to sustain you, the very secrets of our cabinet councils made their appearance in an infamous paper, printed in a neighboring city; the members of which were daily charged with flattery of yourself and foul abuse of your cabinet. All this I bore; for I felt that my services, so long as they could avail, were due to the nation—to that great and magnanimous people whose suffrages elevated your predecessor to the station which you now occupy. I was summoned up around him, to be his counsellors; and I felt that what was due to his memory, to the injunctions which he left us in his last dying words, and to the people, whose servants we were, had not all been performed until every means was tried, and every hope had failed of carrying out the true principles which he so highly mentioned was founded that elevated him and you to power.

This bill, framed and fashioned according to your own suggestions, in the initiation of which I and another member of your cabinet were made by you the agents and negotiators, was passed by a majority of the two houses of congress, and sent to you, and you rejected it. Important as was the part which I had taken, at your request, in the origination of this bill, and deeply as I was committed for your action upon it, you never consulted me on the subject of the veto message. You did not even refer to it in conversation, and the first notice I had of its contents was derived from rumor.

And to me, at least, you have done nothing to wipe away the personal indignity arising out of the act. I gathered, it is true, from your conversation, shortly after the bill had passed the house, that you had a strong purpose to reject it; but nothing was said like the policy to me, either in reference to myself or to those with whom I had communicated at your request, and who had acted themselves and induced the two houses to act upon the faith of that communication. And, strange as it may seem, the veto message attacks in an especial manner the very provisions which were inserted in your request, and give the name of the corporation, which was not only agreed to by you, but especially changed to meet your expressed wishes, is made the subject of your criticism. Different men might view this transaction in different points of light, but, under these circumstances, as a matter of personal honor, and of the right to remain in your counsel, to seal my lips and leave unexplained and undisclosed where lies in this transaction the departure from straightforwardness and candor. So far indeed from admitting the encouragement which you gave to this bill in its inception, and explaining and exusing your sudden change of position, you have sought to throw into your veto message an interrogatory equivalent to an assertion that it was such a bill as you had already declared could not receive your sanction. Such is the obvious effect of the first interrogatory clause on the second page. It has all the force of an assertion without its open fairness. It is a denial, and refutes this the necessary inference from your language, in my preceding statement, the correctness of which you I am sure will not call in question.

Your veto to the first bill you rested on constitutional ground and the high convictions of conscience; and no man, in my opinion, had a right to question your sincerity. I so said, and I so acted, for through all this I felt that I was in the right, and that you had my adherence and support. But how is it with respect to this? The subject of a bank is not new to you; it is more than twenty years that you have made it an object of consideration and of study, especially in its connexion with the constitutional powers of the general government. You were not, taken unprepared on this question. The bill which I reported to congress, with your approbation, at the commencement of the session, had the clause relating to agencies, and the power to deal in exchanges, as strongly developed as the one you have now rejected, and was equally ready to be approved by the members of your cabinet, and with approbation to that clause, many days after, in a conversation held in the department of state. You sanctioned it in this particular bill as detailed above. And no doubt was thrown out on the subject by you, in my hearing, or within my knowledge, until the letter of Mr. BERRILL was your last word. Soon after the reading of that letter, you threw out strong intimations that you would veto the bill if it were not postponed. That letter I did and do most unequivocally condemn, but it did not affect the constitutionality of the bill, or justify you in rejecting it on that ground; it could affect only the

expediency of your action; and, whatever you may now believe as to the scruples existing in your mind, in this and in a kindred source there is strong ground to believe they have their origin.

If I be right in this, and I doubt not I am, here is a great public measure demanded by the country, passed upon and approved by the representatives of the states and the people, rejected by you as president on grounds having no origin in conscience, and no reference to the public good. The rejection of this measure, too, continues the purse with the sword in the hands of the executive, from which we strive to wrest it in the rejected bills which elevated your predecessor and you to power. I cannot conceal my opinion your course of policy. In or out of office my principles remain unchanged. I cannot abandon the principles for which, during all my political career, I have struggled; especially I cannot be one of the instruments by which the executive wishes these combined, accumulated and dangerous powers.

These, sir, are the reasons for the important step which I have felt it my duty to take, and I submit them as its justification. I am, very respectfully, yours,

T. EWING.

To the President.

Letter from the secretary of state to the editors of the National Intelligencer.

WASHINGTON, SEPTEMBER 13, 1841.

To Messrs. Gales & Son:

GENTLEMEN: Less any misapprehension should exist, as to the reasons which have led me to differ from the course pursued by my late colleagues, I deem it my duty to remain in my place, first, because I have seen no sufficient reasons for the dissolution of the late cabinet, by the voluntary act of its own members.

I am perfectly persuaded of the absolute necessity of an institution, under the authority of congress, to aid revenue and financial operations, and to give the country the blessings of a good currency and cheap exchanges.

Notwithstanding what has passed, I have confidence that the president will co-operate with the legislature in overcoming all difficulties in the attainment of these objects; and it is to the union of the whig party—with which I mean the whole party, the president, the whig congress, and the whig people—that I look for a realization of our wishes. I can look no where else.

In the second place, if I had seen reasons to resign my office, I should not have done so without giving the president reasonable notice, and affording him the opportunity of resigning, which he should consider the delicate and important affairs now pending in this department.

I am, gentlemen, respectfully, your obedient servant,

DANIEL WEBSTER.

The following letter from the secretary of state, addressed to H. Ketchum, esq. appeared in the New York papers of Tuesday last:

WASHINGTON, SEPT. 11, 1841.

MY DEAR SIR,—I thank you for your kind and friendly letter.

You will have learned that Messrs. EWING, BELL, and BARR have all expressed having resigned their respective offices. Probably Mr. GRANGER will feel bound to follow the example. This occurrence can hardly cause you the same degree of regret which it has occasioned to me; as they are not only my friends, but persons with whom I have had, for some time, a daily official intercourse. I could not partake in this manner.

It is supposed to be justified, I presume, by the differences which have arisen between the president and congress, upon the means of establishing a proper fiscal agency, and restoring a sound state of the currency; and collateral matters, growing out of these differences. I regret these differences as deeply as any man; but I have not been able to see in what manner the resignation of the cabinet was likely either to remove or mitigate the evils produced by them. On the contrary, my only reliance for a remedy for those evils has been, and is, on the union, conciliation and perseverance of the whole whig party; and I by no means despair of seeing yet accomplished, by these means, all that we desire. It may render us more patient under disappointment in regard to one measure, to recollect, as is justly stated by the president in his last message, how great a number of important measures have become necessary to carry us safely through. I hardly know where such a mass of business has been despatched in a single session of congress.

The annual winter session is now near at hand; the same congress is again soon to assemble, and feeling as deeply as I ever did, the indispensable necessity of some suitable provision for the saving of the public money, for aid to the operations of the treasury, and

to the high public interests of currency and exchange, I am not in haste to believe that the party, which has now the predominance, will not, in all these respects, yet fulfil the expectations of the country. If it shall not, then our condition is forlorn indeed. But for one, I will not give up the hope.

My particular connection with the administration, however, is in another department. I think very humbly—none can think more humbly—of the value of the services which I am able to render to the public in that post. But as there is, so far as I know, on all subjects affecting our foreign relations, a concurrence in opinion between the president and myself; and as there is no dissension in the harmony of our intercourse, I have not felt it consistent with the duty which I owe to the country, to run the risk, by any sudden or abrupt proceeding, of embarrassing the executive, in regard to subjects and questions now immediately pending, and which intimately affect the preservation of the peace of the country. I am, dear sir, with constant regard, yours, &c. &c.

(Signed) DAN'L WEBSTER.
H. KITCHEN, esq. New York.

CONGRESSIONAL WHIG MEETING.

At a meeting of the whig members of the SENATE and HOUSE of REPRESENTATIVES of the 27th congress of the United States, held in the city of Washington, on the 11th September, 1861.
The hon. N. S. SHAW, of Rhode Island, on the part of the senate, and the hon. JEREMIAH MORROW, of Ohio, on the part of the house, were called to the chair, and KENNETH RAYNER, of North Carolina, CHRISTOPHER MORGAN, of New York, and RICHARD W. THOMPSON, of Indiana, were appointed secretaries.

Mr. MANSON, of North Carolina, offered the following resolutions:

Resolved, That it is expedient for the whigs of the senate and house of representatives of the United States to publish an address to the people of the U. States, containing a succinct exposition of the prominent proceedings of the extra session of congress, of the measures which have been adopted, and those in which they have failed, and the causes of such failure; together with such other matters as may exhibit truly the condition of the whig party and whig prospects.

Resolved, That a committee of three on the part of the senate, and five on the part of the house, be appointed to prepare such address, and submit it to a meeting of the whigs on Monday morning next, the 13th inst. at half past 8 o'clock.

And the question being taken on said resolutions, they were *unanimously* adopted.

Whereupon the following gentlemen were appointed said committee: Messrs. BARKLEY, of Georgia, TULLAMORE, of New York, and SMITH, of Indiana, on the part of the senate; and Messrs. EVERETT, of Vermont, MANSON, of Ohio, KENNEDY, of Maryland, JOHN C. CLARK, of New York, and RAYNER, of N. Carolina, on the part of the house.

When, on motion, the meeting adjourned, to meet again on Monday morning.

MONDAY, SEPTEMBER 18, 1861.

The meeting assembled, pursuant to adjournment. Mr. KENNEDY, of Maryland, from the committee appointed for that purpose, reported the following ADDRESS.

FELLOW-CITIZENS:—The extra session of congress has, at length, been brought to a close. The incidents which belong to this session, and especially those which have marked its termination, are of a nature to make so strong an impression upon the country, and to excite so much interest in the future action and relations of the whig party, that the whig representatives in both houses of congress have thought it their duty, before separating, to address their constituents with a brief exposition of the circumstances in which they conceived themselves to be placed by the events which have recently transpired.

This session of congress was called as almost the first measure of that illustrious and lamented citizen whose election to the presidency was no less significant than the general reprobation and condemnation of the acts of the preceding administration. It was expressive of a wish for an immediate and radical change in the public policy. The impvidence of those who had just been expelled from power had rendered it inevitable; and the country hailed the meeting of a new congress as the sure pledge of relief from all those evils which the disastrous incompetency of the men at the head of affairs had brought upon it.

The people desired the early adoption of the policy which had been promised them by the whig party. That policy had been brought to the consideration of the country throughout a contest of nearly twelve

years' duration, maintained with unexampled devotion; and its principles were illustrated by the precepts and practice of the most eminent and patriotic of our citizens in every form by which they were able to add themselves to the intelligence of the people. No one misapprehended these principles; they were identified with the labors of that great party whose unparalleled success was both the token and the reward of the general confidence of the nation. They promised reform—

1st. In the restraint of executive power and patronage;

2d. In the wholesome regulation of the currency and the advancement of the interests of industry; and

3d. In the establishment of an economical administration of the finances.

They proposed to accomplish the first of these objects by limiting the service of the president to a single term; by forbidding all officers of the government from interfering in elections; and by a voluntary self-denial, on the part of the chief magistrate, in that excessive use of the veto power which had recently become so offensive to the country as an instrument of party supremacy.

They hoped to achieve their next object by the establishment of a national bank; by the adjustment of the system of duties upon a moderate and permanent scale, adopted as nearly as practicable to the interest, and conformable with the views of every portion of the union; by the establishment of a national land office, by which the distribution of the proceeds of the public lands amongst the states—a measure recommended not only by considerations of justice to the states themselves, but also by a sad experience of the embarrassment produced in the currency resulting from the administration of a fund of such variable amount as an element in the ordinary revenue of the government. The establishment of an economical administration of the finances they expected to attain by putting down all useless offices; by enforcing a strict accountability of the public agents; and more conspicuously, by making exact and adequate provision for the ascertaining and the orderly liquidation of that public debt which the past administration had created by permitting their expenditures to overrun their receipts, and which they had concealed from public observation by the easy device of repeated issues of government notes.

These were the prominent points to which the policy of the whig party had been directed, and which constituted the great issues before the country in the recent presidential election. We are aware that our adversaries in that contest now deny these issues, founding their denial chiefly upon the fact that no formal manifesto was put forth to declare the terms upon which we insisted. We chose rather to appeal to the widely diffused knowledge of our principles, which had been impressed upon every man's mind in that long struggle of years gone by; with which one party had been identified, and of which its very name was an exponent.

It need not be said that, in a representation spread over a territory of such extent as that comprehended by our union, and exhibiting interests so diversified, which might be called the characteristic principles of the whig party, throughout this wide sphere, should be subject to occasional modifications, dependent upon local influences; and that it was incumbent, therefore, upon the party to meet together in a spirit of mutual concession and accommodation of sectional difference of opinion. It need not be told that, in the system of measures which we have enumerated, conflicting views might naturally exist between the representatives of distant portions of our republic, and that only by the yielding of minor interests to the essential concession of general good, could unanimity be obtained in the action of congress. This was natural, and to be expected. But we felt a proud consciousness that in the patriotism of the party all such difficulties would vanish, and that the demands of an enlarged welfare would be met and fulfilled, through the virtue of that spirit of generous forbearance, that liberal and comprehensive sense of self-denial and concession, which rests at the heart of our confederacy, and which constitutes the living principle of our union. Before the appointed day arrived for the meeting of congress, and that at the expiration of but one short month from the date of our assembling, our beloved president was snatched from us by the grasp of death; too soon for the happiness of his country, but not too soon to awaken in our bosoms a deep and awful sense of the irreparable loss which we have sustained in the deprivation of a great and good man—not too soon to convince us of the long and how bitterly our country is doomed to deplore this heavy misfortune. In this our calamity, we hoped to find consolation in the character and principles of him whom the constitution had designated to fill the office of the departed

chief. It is true, that towards that individual, even at the moment of the selection for the vice presidency, no very earnest public attention had been directed; and it is equally true, that his past career was bestowed upon the current of his previous life and opinions. We only knew him as one professing to be a member of the whig party, and as seeking to identify himself with those great leaders of that party whose opinions and principles were deeply engrained in the most conspicuous acts of our policy; and we were not surprised by the uncertainty of his position in the land. In this connection, where he had sought to be prominent, we discerned what we conceived, and what doubtless he meant, to be a pledge of faithful adherence to the cardinal doctrines for which we struggled, and with which the hopes of the country which we had conquered up. We hoped to find consolation also in the fact that his accession to the presidency brought him into communion and intimate political fellowship with the chosen vanguard of the whig party—the first selection made by general Harrison of a cabinet, distinguished for its paramount ability, integrity and fidelity to the glorious cause in which we had conquered up. A cabinet eminently crowned with the public confidence, in whom all men trusted as in the very embodiment of the principles of the party to which they belonged; who were inseparably associated with its glory, and in whose generous and honorable relation to the president we had the security of a cabinet of prosperous councils, and be the pledge of a co-operation which should enable him to accomplish all that the nation desired. These hopes were still further enlivened by the encouraging tone in which the president referred, in his first address to the nation, to the "ever glorious example" afforded him by the great and good republican school, and the declaration of his determination to walk in the path which they pointed out.

In the indulgence of these hopes, congress entered upon its labors. By adopting rules for the despatch of business conformable to the emergency of an extra session, and in view of the great amount of legislation which the times required, we have been enabled to achieve all, and even more than all, that our constituents could have demanded at our hands. The leading and great measures of this session, have been under discussion, in congress and out of it, for many years past, and little remained to be done but to carry them into effect. There was nothing in the circumstances or position of either party to Congress to require, or even to justify, protracted discussions; and the majority, therefore, felt themselves entitled to give to the extra session the character of a congress of action and decision, rather than one of debate; and we feel assured that in this effort we have done more than respond to the just expectations of the people.

First in urgency amongst the bills passed during the session, and that to which the public command most imperatively drew the notice of congress, was the repeal of the sub-treasury law. Our next care was the enactment of the land bill. This was followed by an act converting the debt which the preceding administration had entailed upon the country into a loan of twelve million of dollars, which is limited for its redemption to a period of three years. Associated with this measure was the revenue bill, rendered necessary not only as a provision towards the extinguishment of the loan, but also as an indispensable condition to the repeal of the ordinance and necessary appropriations of the year. The bankrupt act, so earnestly and so long solicited by a large and meritorious class of our citizens, has been passed under circumstances which cannot but reflect the highest honor upon the representatives of many sections of the national defence, suggested the measures of relief which perhaps have been destined to a further delay, but being brought, as it was, into that series of measures which were supposed to embrace the scheme of relief which the nation at large required, it met from a whig congress that support of which the chief argument and highest praise are derived from respect which every one felt to be due to a comprehensive policy, whose scope should include every interest in the nation. It is a trial for the benefit of the country, and remains to be altered or improved as the public wants may hereafter be found to require. The importance, in the present posture of our affairs, of attending to the national defence, suggested the measures of establishing a home squadron, of repairing and arming the fortifications, of providing for the defence of the lakes; and of bringing the nation at large into a state of readiness against hostile aggression—in regard to which measures, as great unanimity prevailed in congress, and as the whig party, in the course of its career, has received the undivided approbation of our constituents throughout the whole union.

This rapid review, fellow citizens, will exhibit what we have done. What we have failed to do remains to be told.

It is with profound and poignant regret that we find ourselves called upon to invoke your attention to this point. Upon the great and leading measure touching this question, our anxious endeavors to respond to the earnest prayer of our nation have been frustrated by an act as unlooked for as it is to be lamented. We grieve to say to you that by the exercise of that power in the constitution which has ever been regarded with suspicion, and often with odium, by the people—a power which we had hoped was never to be exhibited, on this subject, by a whig president—we have been debarred in two attempts to exercise a fiscal agency which the wants of the country had demonstrated to us, in the most absolute form of proof, to be eminently necessary and proper in the present emergency. Twice have we, with the utmost diligence and deliberation, matured a plan for the collection, safe-keeping and disbursing of the public money, and twice the agency of a corporation adapted to that end, and twice has it been our fate to encounter the opposition of the president, through the application of the veto power. The character of that veto in each case, the circumstances in which it was administered, and the grounds upon which it has been decided, render its application of your friends in congress sufficiently apparent in the public mind, and the debates relating to it. This subject has acquired a painful interest with us, and will doubtless acquire it with you, from the unhappy developments with which it is accompanied. We are constrained to say, that the president is wrong in his conviction that the veto of the president has been interposed on this question solely upon conscientious and well considered opinions of constitutional scruple as to his duty in the case presented. On the contrary, too many proofs have been forced upon our observation to leave us free from the apprehension, that the president has permitted himself to be beguiled into an opinion that, by this exhibition of his prerogative, he might be able to divert the policy of his administration into a channel which should lead to new political combinations, and accomplish results which must overthrow the present notions of party in the country, and finally produce a state of things, which those who elected him, at least have never contemplated. We have seen from an early period of the session, that the whig party did not enjoy the confidence of the president. With mortification we have observed that his associates more solidly sided with a free trader than with a protectionist, and have been thus to prostrate our purposes, rather than those whose principles seemed to be most identified with the power by which he was elected. We have reason to believe that he has permitted himself to be approached, counselled and influenced by those who have manifested a hostile interest in success of whig measures. What were represented by his opinions and designs have been freely and even insolently put forth in certain portions, and those not the most reputable, of the public press, in a manner that ought to be deemed offensive to his honor, as it certainly was to the feelings of those who were believed to be his friends. In reference to the assistance manifested by the members of the whig party in congress to ascertain specifically the president's notions in reference to the details of such a bill relating to a fiscal agent as would be likely to meet his approbation, the frequent changes of his opinion, and the singular want of consistency in his views, have baffled his efforts, and rendered the hope of adjustment with him impossible.

Congress, early in the session, called upon the secretary of the treasury for the plan of a fiscal agent: the result of this call was a bill which was reported in detail, with an argument in its favor, and it was, as we had a right to regard it, received by all as the bill of the president. In fact, it was so completely and so unhesitatingly received by the members of the whig party in congress to ascertain specifically the president's notions in reference to the details of such a bill relating to a fiscal agent as would be likely to meet his approbation, the frequent changes of his opinion, and the singular want of consistency in his views, have baffled his efforts, and rendered the hope of adjustment with him impossible.

trates by reference to the "dealings in the exchanges" of the bank of the United States in 1833, which the president affirms "amounted to upwards of one hundred millions of dollars." Yet this plan, when it was submitted to him, was objected to on a new ground. The last veto has narrowed the question of a bank down to the basis of the sub-treasury scheme, and it is obvious from the opinions of that message that the country is not to expect any thing better than the exploded sub-treasury, or some measure of the same character, from Mr. Taylor.

The subject of all these various opinions, an impenetrable mystery seemed to hang over the whole question. There was no such frank interchange of sentiment as ought to characterize the intercourse of a president and his friends, and the last persons in the government who would seem to have been intrusted with his confidence on these important topics were the constitutional advisers which the laws had provided for this view.

In his review of the position into which the late events have thrown the whig party, it is with profound sorrow we look to the course pursued by the president, and find that it has been a course of long and painful struggle, and the consummation of a glorious victory; he has even perhaps thrown us once more upon the field of political strife, not weakened in numbers, nor shorn of the support of the country, but stripped of the arms which success had given him, and left again to rely upon that high patriotism which for twelve years sustained us in a conflict of unequalled asperity, and which finally brought us to the fulfillment of those brilliant hopes which he has done so much to destroy.

In this state of things, the whigs will naturally look with anxiety to the future, and inquire what are the actual relations between the president and those who brought him into power; and what, in the opinion of their friends in congress, should be their course hereafter. On both of these questions we feel it to be our duty to address you in perfect frankness and without reserve, but, at the same time, with due respect to others.

In regard to the first, we are constrained to say, that the president, by the course he has adopted in respect to the application of the veto power to two successive bank charters, each of which there was just reason to believe would meet his approbation; by his withdrawal of confidence from his real friends in congress, and the substitution of those who are bestowal of it upon others notwithstanding their notorious opposition to leading measures of his administration, has voluntarily separated himself from those by whose exertions and suffrages he was elevated to that office, through which he reached his present exalted station. The existence of an unnatural relation is as extraordinary as the annihilation of a painful and mortifying. What are the consequences and duties which grow out of it?

The first consequence is, that those who brought the president into power can be no longer, in any manner or degree, justly held responsible or blamed for the course which he has pursued in the exercise of the government; and that the president and his advisers should be exclusively hereafter deemed accountable. But, as by the joint acts of Providence and the people he is constitutionally invested with the powers of chief magistrate, whilst he remains in office he should be treated with perfect respect by all. And it will be equally necessary, and no less imperative, to give to his official acts and measures full and full consideration, approving them and co-operating in their support where they can, and differing from and opposing any of them only from a high sense of public duty.

The more important question remains to be touched. What ought to be the future line of conduct of the whig party in the extraordinary emergency which now exists?

They came into power to accomplish great and patriotic objects. By the zeal and perseverance of the majorities in congress, some of the most important of these objects have been carried at the extra session of the year last past, and the result of the conduct of the president has occasioned bitter mortification and deep regret. Shall the party, therefore, yielding to sentiments of despair, abandon its duty, and submit to defeat and disgrace? Far from suffering such dishonorable consequences, the very disappointment which it has unfortunately experienced should serve only to result in its recovery, and inspire it with fresh courage to persevere with a spirit unshaken and a resolution unshaken, until the prosperity of the country is fully re-established, and its liberties firmly secured against all danger from the abuses, encroachments or usurpations of the executive department of the government.

At the head of the duties which remain for the whigs to perform towards their country stands conspicuously and pre-eminently above all others—

First. A reduction of the executive power, by a further limitation of the veto, so as to secure obedience to the public will, as that shall be expressed by the immediate representatives of the people and the states, with no other control than that which is indispensable to avert hasty or unconstitutional legislation.

By the adoption of a single term for the incumbent of the presidential office.

By a separation of the purse from the sword, and with that view to the re-appointment of the head of the treasury in congress and not by the president.

By subjecting the power of dismissal from office to just restrictions, so as to render the president amenable for its exercise.

Second. The establishment by congress of a fiscal agent, competent to collect, safely keep, and disburse the public moneys, to render the currency and to equalize the exchanges of the currency; and

Third. The introduction of economy in the administration of the government, and the discontinuance of all superfluous and useless offices.

To the effectuation of these objects ought the exertions of the whig party to be directed. These only should be chosen members of congress who are willing cordially to co-operate in the accomplishment of them. Instead of striking our flag, let it be reared still higher, with a firmer hand, bearing upon its folds in conspicuous letters, THE WILL OF THE NATION ENFORCED BY THE WILL OF ONE MAN; ONE PRESIDENTIAL TERM; FISCAL GOVERNMENT; AND NO SUB-TREASURY, OPEN OR COVERT, IN SUBSTANCE OR IN FACT; NO GOVERNMENT BANK, BUT AN INSTITUTION CAPABLE OF GUARDING THE PEOPLE'S TREASURE AND ADMINISTERING TO THE PEOPLE'S WANTS."

Rallying under that banner, let us appeal to that people whose struggle exertions led to victory in the late glorious struggle. Let us invoke the action of the legislative councils of the sovereign states of this union. Instructed by their immediate constituents, let them ascertain and express the public will in relation to these great questions; and especially let them, within their respective constitutional spheres, exert themselves to give it effect.

Animated by these principles, and guided by Providence, defeat is impossible, and triumphant success inevitable. We may confidently hope that vast numbers of our fellow citizens, who have been hitherto separated from us, will unite with us under such a glorious standard, and that the majorities in both houses of congress sufficiently large may be secured to carry any measure demanded by the welfare of the nation, in spite of the interposition of the power with which any one man may have been accidentally invested. Disappointed in that if such should be our lot, we will still remain faithful to the amendment of the constitution curtailing the executive power. And if that should fail, we have only to recur to the noble example of our ancestors, to recollect the duty we owe to ourselves and posterity, and to bear with noble fortitude three years longer the sufferings inflicted during the last three years by the mal-administration of the executive department of the government. We shall have the consolation of reflecting that, in the mean time, if the president can prevent the attainment of all the good which congress is desirous to accomplish, congress may check or prevent some of the mischiefs which, under a different state of majorities it might have permitted the power to impose.

N. P. TALLMADGE,

O. H. SMITH,

Committee of the senate.

J. P. KENNEDY,

S. M. JOHNSON,

HORACE EVERETT,

J. C. CLARK,

K. RAYNER,

Committee of the house of representatives.

Whereupon the question was taken upon the adoption of said address, and it was unanimously adopted.

Ordered, That twenty thousand copies of said address be printed, and circulated among the people of the United States.

Ordered, That said address be signed by the members of the senate and approved by the president, and that the proceedings of this meeting be signed by the presidents, and countersigned by the secretaries.

On motion, the meeting then adjourned sine die.

NATHAN F. DIXON,

JEREMIAH MORROW, *presidents.*

K. RAYNER, *secretaries.*

CHRISTOPHER MORGAN,

R. W. THOMPSON,

LAND BILL. Mr. Rayner, of N. C. in his speech in the house of representatives, July 6, submitted the following statement, showing the amount which

each state would receive under this bill, \$3,300,000 to be distributed each year, and supposing the ratio of representation under the late census to be put at 60,000. If any other ratio should be agreed on, (he adds), the relative proportion will be the same. The sums are stated in round numbers:

Maine	\$36,000	South Carolina	\$84,000
New Hampshire	48,000	Alabama	108,000
Vermont	48,000	Mississippi	96,000
Massachusetts	144,000	Tennessee	48,000
Connecticut	60,000	Louisiana	48,000
Rhode Island	12,000	Kentucky	144,000
New York	480,000	Ohio	132,000
New Jersey	72,000	Indiana	300,000
Pennsylvania	336,000	Missouri	132,000
Delaware	12,000	Illinois	84,000
Maryland	72,000	Arkansas	60,000
Virginia	204,000	Michigan	12,000
North Carolina	120,000		36,000

AWARDS OF THE MEXICAN COMMISSIONERS. By a late act of congress, the Secretary of Commerce, the Secretary of the treasury is authorised to issue certificates to all persons entitled to receive the sums awarded by the commissioners for adjudging claims between the republic of Mexico and the United States, whenever such persons shall present certified copies of such awards. These certificates are to be in such form, and for such portions of the sums awarded as may be convenient for the claimants.

THE CENSUS. An act approved September 1st, extends the time allowed to the marshals of the states and territories for making their returns of the sixth census, until the 1st day of January, 1842. The time allowed to assistants for completing their enumeration is extended to 1st December next. Both marshals and their assistants continue subject to all penalties contained in previous acts, unless their returns are made in the time which this act prescribes. This act also authorises a new enumeration of the inhabitants of Montgomery county, Maryland, in consequence of the alleged incorrectness of the late returns.

NORTHEASTERN BOUNDARY. The Benchor Whig says: "The United States troops, ordered to occupy the post at the Aroostook and Fish river, in the disputed territory, started from Houlton on Tuesday last. The first detachment started with a heavy team of oxen and all the necessary implements for clearing the roads and for erecting suitable quarters and barracks. A good military road, supported at the expense of the general government, from Houlton to Fish river, may soon be expected, and a regular mail route, with a post office at Fish river and the Aroostook, will be established immediately. The general government is now fairly upon the territory, and there will be no backing out until a final settlement of the question, under the present efficient administration cannot be long delayed."

THE WHALE FISHERY. The representative in congress of the 11th congressional district of Massachusetts, has furnished a list of the vessels engaged in the whaling business. Their number and the ports to which they belong, are as follows:

Nantucket	- - - - -	84
New Bedford	- - - - -	189
Norhaven	- - - - -	48
Falmouth	- - - - -	10
Edgartown	- - - - -	12
Holmes' Hole	- - - - -	12
Province Town	- - - - -	12

Total, - - - - - 359

Of which 66 are barques, brigs, and schooners, and all the rest ships—many of them 800 or 900 tons. This single district, then, has 359 vessels—or, an aggregate of 125,650 tons—navigated by not less than 9,000 seamen, engaged in a single branch of enterprise.

SUGAR TRADE IN THE UNITED STATES. The Richmond Compiler, in reference to this subject says: "In 1830 the amount of sugar shipped from N. Orleans was trifling. In 1836 the sugar exports amounted to 6,161,500 lbs.; in 1840 it had increased to 47,005,500 lbs. besides the amount sent to the interior from the Mississippi valley, which must be large. This is more than one-fifth of the sugar, made from cane, consumed in the United States, as there was about 190,000,000 lbs. imported in 1839. If the home production of sugar increase the next five years as it has done the last five, we shall make all our own sugar. This will be an important consump-

tion. We paid to foreigners for sugar, in 1839, \$9,924,623, which exceeds in value any one article of our exports, except cotton, and except the exports of tobacco for only two years, viz: 1836 and 1839—the former it amounted to \$10,494,104; the latter, \$10,449,155. The shipments of molasses from New Orleans to our eastern cities have increased alike with those of sugar. In 1836, 419,358 gallons were shipped; in 1840, 3,850,400 gallons. In 1839 we imported 23,094,477 gallons, valued at \$4,363,294.—Richmond carries on a considerable trade with New Orleans in sugar and molasses.

THE ARMY.

GENERAL ORDERS, No. 52.

Head-quarters of the Army, Adjutant General's Office, Washington, September 11, 1841.

The following regulations for the government of officers of the subsistence department, directed by the department of war, are announced in orders for the information and government of all concerned.

"The assistant commissary general of subsistence and commissaries of subsistence shall have choice of positions according to rank; but no junior shall be removed from his station when selected by a senior, until he shall have served thereat one year.

All officers of the subsistence department shall be subject to duty on the field.

Assistant commissaries of subsistence, unless on very special occasions, when sanctioned by the major general commanding, shall served with their respective companies.

In addition to his other duties, the assistant commissary general of subsistence is charged with the duties of inspector of the subsistence department."

By order, L. THOMAS,

Assistant adjutant general.

ORDERS No. 6.—EASTERN DIVISION.

Head-quarters, eastern division, Troy, N. Y. Sept. 8, 1841.

Agreeable to general orders No. 51, the undersigned, brigadier general, assumes command of the eastern division of the army.

The head-quarters, until further orders, will be at Troy, N. Y. where all reports, returns and communications will be addressed to—the assistant adjutant general of the eastern division.

The staff of the general will be as follows: Captain R. Anderson, assistant adjutant general; captain Edmund Schriver, assistant adjutant general; ex-officio assistant inspector general; and first lieutenant J. A. Thomas, 3d artillery, aid-de-camp.

JOHN E. WOOL.

By command of the general:

ED. SCHRIVER, A. J. general.

Brigadier General Wool left his head-quarters at Troy, N. Y. on the 12th inst. on a visit to the U. S. military posts in Maine.

Fort Kent is the name given by Brig. Gen. Eustis to the fortification on Fish river, Maine. That on the Aroostook is already known by the name of Fort Fairfield.

2d artillery.—180 men, under the command of Col. Fanning, have arrived at Fort Monroe. The following officers are attached to the post: Lieuts. R. A. Luther, J. F. Roland, J. Sedgwick, W. A. Nichols, A. A. Gibson, W. Hays and asst. surg. E. Worrell.

3d artillery.—Major S. Churchill has been appointed inspector general, with the rank of colonel.

4th artillery.—The appointment of major Churchill makes room for the promotion of brevet major John Erving to the majority of the 3d artillery; and to 1st lieutenant J. B. Scott, captain and 3d lieutenant E. Bradford as 1st lieutenant in the 4th.

1st infantry.—The steamboat *Macedonian* arrived at Jefferson barracks, Aug. 31, with 210 men, destined to forts Crawford and Scelling. They will remain but a few days at the barracks.

DEATH OF LIEUT. WM. PAGE JONES. This very promising young officer, son of adjutant general R. Jones, of the city of Washington, and a universal favorite of those who knew him, having been attached to the flying artillery company now stationed at Fort McHenry, was riding rapidly towards the fort on the 11th inst. in company with lieutenant *Ridgely*, when both were thrown from their horses by coming in contact with a cow that suddenly crossed their road. The latter was not seriously injured, but the former received so severe a blow on the brain that in spite of the best medical assistance, he expired about four o'clock next morning. Every respect was paid to the remains and memory of the deceased. Gen. Jones, we learn was not with his family on the melancholy occasion, having resorted to the Virginia Springs for a few weeks for the improvement of his health. Sincerely do we sympathize with them in their bereavement.

QUARTERMASTER'S DEPARTMENT.

Quartermaster general.
Thomas S. Jessup, major gen. bvt. in charge of department at Washington.
1st. *quartermasters general with the rank of colonel.*
Henry Stanton, N. York, inspector of the department. Trueman Cross, Washington.
Dep. *quartermaster general with the rank of lieutenant.*
Henry Whittier, Philadelphia, in charge of the operations of the department in Florida.
Thomas F. Hunt, absent from duty on account of bad health.

Quartermasters with the rank of major.

Isaac Clark, New Orleans.
Zeeb Mackay, New Orleans.
C. Thomas, acting insp. of the department in Florida.
Samuel McKee, St. Louis.

Assistant quartermasters with the rank of captain.

- 1 D. D. Tompkins, Philadelphia.
- 2 C. A. Waite, St. Augustine.
- 3 Thomas Swends, Fort Owenworth.
- 4 George H. Croxson, member of board for investigating Florida claims.
- 5 S. B. Dusenberry, Baltimore.
- 6 David H. Vinton, Detroit.
- 7 E. B. Alexander, Fort Smith.
- 8 Osborne Cook, New Orleans.
- 9 S. P. Heintzelman, member of board for investigating Florida claims.
- 11 James R. Irwin, Cincinnati, temporarily.
- 12 M. M. Clark, Savannah.
- 13 E. S. Shiley, Cedar Key, Florida.
- 14 E. B. Babbit, Trade's Hill, Geo.
- 15 John P. Davis, Fort Gibson.
- 16 R. E. Clary, Plattsburgh, N. Y.
- 17 Charles O. Collins, Houston.
- 18 A. R. Hetzel, Washington.
- 19 R. S. Dix, Boston.
- 20 E. A. O'Brien, Tampa Bay.
- 21 James M. Hill, Charleston.
- 22 Dixon S. Miles, Plaitka.
- 23 W. Scott Ketchum, Port Leon.
- 24 James H. Sykes, Buffalo, N. Y.
- 25 Abram C. Myers, Tampa Bay.
- 26 M. M. Plummer, on leave—bad health.
- 27 Wm. W. M. McKee, N. Y.
- 28 Wm. Wall, Fort Running. *Army & Navy Co.*

THE NAVY.

PROMOTIONS AND APPOINTMENTS.

By and with the advice and consent of the senate.

COMMODORS.
Commanders to be Captains, from September 8, 1841.

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| 1. John Percival, | 8. Thomas Crabb, |
| 2. John H. Aulick, | 9. Thomas Payne, |
| 3. William V. Taylor, | 10. James Armstrong, |
| 4. Bladen Delany, | 11. Joseph Smoot, |
| 5. Silas H. Stringham, | 12. Samuel L. Erese, |
| 6. Isaac Mayo, | 13. Benjamin Page, |
| 7. William Shervine, | |

Lieutenants to be Commanders.

Frederick Varman, from the 8th March, 1841.
From September 8, 1841.

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| 1. Joseph R. Jarvis, | 29. Joseph Myers, |
| 2. Thomas W. Freelon, | 30. Wm. C. Wetmore, |
| 3. John W. Le Compte, | 31. Thomas R. Gedney, |
| 4. Charles T. Platt, | 32. John Babier, |
| 5. Wm. M. Armstrong, | 33. Victor M. Randolph, |
| 6. Wm. F. Shields, | 34. Jacob Crowninshield, |
| 7. G. P. Fendergrast, | 35. Frederick Engle, |
| 8. Wm. C. Nicholson, | 36. Alexander J. Dallas, |
| 9. James B. Cooper, | 37. John Ridd, |
| 10. E. A. Mendenhall, | 38. Robert Ritchie, |
| 11. John L. Saunders, | 39. Wm. W. McKee, |
| 12. Joseph B. Hull, | 40. Franklin Buchanan, |
| 13. John Stone Paine, | 41. Samuel Mereer, |
| 14. Joseph Moorehead, | 42. Charles Lowndes, |
| 15. Thomas Peligra, | 43. L. M. Goldsborough, |
| 16. John G. Claiborne, | 44. George N. Hollins, |
| 17. Irvine Shubrick, | 45. D. N. Ingraham, |
| 18. John Kelly, | 46. John Martson, jr., |
| 19. Edmund Byrne, | 47. Henry Bruce, |
| 20. Edward S. Johnson, | 48. Wm. D. Newman, |
| 21. Wm. H. Gardner, | 49. Henry A. Adams, |
| 22. David G. Farragut, | 50. Alex. R. Pinkham, |
| 23. Stephen B. Wilson, | 51. James D. Knight, |
| 24. Edward C. Rutledge, | 52. Joseph Mattison, |
| 25. William S. Harris, | 53. William S. Walker, |
| 26. Thomas A. Dorin, | 54. Alex. S. Mackenzie, |
| 27. R. B. Cunningham, | 55. George F. Pearson, |
| 28. James G. Thompson, | |

Passed Midshipmen to be Lieutenants.

John J. Alay, March 18, 1841.

Edward C. Bowers, April 26, 1841.

Nathaniel G. Bay, May 1, 1841.

From September 8, 1841.

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|-----------------------|---------------------|
| 1. Otway H. Beman, | 4. George J. Wyche, |
| 2. Thomas A. Budd, | 5. Edmund Jenkins, |
| 3. Andrew F. V. Gray, | 6. T. A. M. Craven, |

7. Dominick Lynch, jr. 31. Enoch G. Parrott,
8. Francis B. Renshaw, 32. John Carroll,
9. Horace N. Harrison, 33. James McCormick,
10. James H. North, 34. Richard S. Trapier,
11. Robert B. Pegram, 35. Richard Wainwright,
12. Edward C. Ward, 36. George M. Totten,
13. Richard P. Coddell, 37. William D. Hurst,
14. Edw. J. De Haven, 38. Wm. Ross Gardner,
15. Charles Thomas, 39. William B. Renshaw,
16. Add. R. Taliaferro, 40. Carter B. Poindeexter,
17. Rich'd L. Tigliam, 41. Henry T. Wingate,
18. James H. Strong, 42. Alonzo B. Davis,
19. J. Madison Pringle, 43. William Reynolds,
20. Charles P. Patterson, 44. William Reynolds,
21. Aug. S. Baldwin, 45. Woodhull S. Schenck,
22. Edm. T. Shubrick, 46. James L. Parker,
23. Stephen Dod, 47. Lewis C. Sartori,
24. Wm. B. Whiting, 48. William A. Jones,
25. Charles Hunter, 49. Edmund Lainer,
26. Benj. P. Shattuck, 50. John H. Sherburne,
27. Thomas M. Brasher, 51. Fabius Stanly,
28. George T. Sinclair, 52. Latham B. Avery,
29. John Moony, 53. James B. Lewis,
30. Samuel R. Knox, 54. James J. Forbes,

Passed Assistant Surgeons to be Surgeons.
Daniel C. McNeil, Sept. 23, 1841.
Lewis Wolley, July 29, 1841.
From September 8, 1841.
1. Lewis W. Minor, 6. M. G. Delaney,
2. William J. Powell, 7. Wm. P. McClenahan,
3. J. Frederick Sickness, 8. Wm. L. Van Home,
4. N. C. Barrabino, 9. Daniel S. Green.
5. Henry S. Remolds.

AFFIDAVITS.
To be Assistant Surgeons, September 8, 1841.
1. A. A. Henderson, Pa. 5. Ed. McKelley, Pa.
2. John Hastings, Pa. 6. A. F. J. Garnett, Va.
3. C. H. Broughton, Va. 7. Hugh Morson, Va.
4. R. T. Maxwell, Del.

To be Chaplains, September 8, 1841.
Nortimer K. Talbot, of Pennsylvania.
Moses B. Chase, of New Hampshire.
Cester Newell, of South Carolina.
Theodore Bartow, of Georgia.
Joseph Stockbridge, of Maine.
Samuel T. Gillet, of Indiana.
William McKenney, of Maryland.

Acting Midshipmen, September 9, 1841.
James Armstrong, Va. Alexander Mitchell, Ky.
Charles S. Bell, N. J. Wm. H. Murdaugh, Va.
Wash. F. Buckner, Ark. Oliver May, Va.
Oscar C. Bauger, Penn. Chas. V. McCauley, Pa.
John T. Bartlett, Maine. Thomas J. Miller, Ga.
Edward Crittenden, Ky. Arthur H. Otis, Mass.
Cornelius Comerys, Mas. Wingate Pillsbury, Maine.
Wm. Dekoven, N. Y. Robert Patton, Va.
Thomas C. Eaton, Maine. R. D. Price, Md.
James L. Ferguson, Va. John Rochelle, Va.
Samuel F. Griffin, Ga. Robert Seiden,
Thos. C. Harris, Penn. Robert W. Scott, Tenn.
M. P. Jones, John Stewart, N. C.
John Kell, Ga. Byrd W. Stevenson, Va.
Charles Latimer, D. C. William Sharp, Va.
Theodorick Lee, D. C. Stephen D. Spence, Md.

Acting Midshipmen, September 10, 1841.
Albert Allmand, Va. Thomas D. Mahon, Penn.
Simeon S. Bassett, D. C. John H. Russell,
F. P. Baldwin, D. C. James H. Somerville, Md.
Calvin Cowles, N. C. Elias Vanderhorst, N. C.
Geo. B. Douglass, Tenn. John G. Whitaker, N. Y.
Thomas Flournoy, Ga. James Waddell, N. C.
C. C. Hunter, Del. Henry Willis, Md.
Thomas Irvin, Ohio. Benj. B. Wright, Ky.
James Jewett, Ky. Thos. L. Walker, Tenn.
Henry H. Key, Md. John Wilkes, jr. N. Y.
Leonard H. Lyne, Ky.

Marine Corps.
Mathew R. Kintzing, of Pennsylvania, to be a second lieutenant, from September 8, 1841.

MARINE CORPS.
Colonel Commandant.

1. Archibald Henderson, head quarters.
Lieutenant Colonel.
1. R. D. Wainwright, superintending recruiting service, office in Washington, D. C.

Captains.
1. Samuel Miller, Philadelphia.
2. Samuel E. Watson, Portsmouth, N. H.
3. William H. Freeman, Charleston, Mass.
4. Levi Twiggs, head quarters.

Ensigns.
1. John Harris, Brooklyn, N. Y.
2. Thomas A. Linton, Washington city, lately returned from a cruise.
3. James Edelin, waiting orders in Washington city.
4. Parke G. Howle, adjutant and inspector, head quarters.
5. William Dulany, Baltimore rendezvous.

6. Thomas S. English, Brooklyn, N. Y.
7. George W. Walker, paymaster, head quarters.
8. Ward Marston, Charleston, Mass.
9. Aug. A. Nicholson, quartermaster, head quarters.
10. Benjamin Macomber, New York rendezvous.
11. A. N. Brevoort, Gosport, Va.
12. Richard Douglas, waiting orders in New York.
13. Job G. Williams, Pensacola, W. F.

First Lieutenants.
1. Alvin Edson, Delaware 74.
2. Henry B. Tyler, head quarters.
3. Joseph L. C. Hardy, head quarters, paymaster's department.
4. Geo. F. Lindsay, assistant quartermaster, Philadelphia.
5. Landon N. Carter, head quarters, quartermaster's department.
6. John G. Reynolds, frigate Constellation.
7. Francis C. Hall, Philadelphia.
8. Geo. H. Terrett, head quarters.
9. William E. Stark, Norfolk, Va. clothing store.
10. N. N. Waldron, Brooklyn, N. Y.
11. William Lang, head quarters, sick.
12. Jacob Zelin, head quarters, sick.
13. Geo. W. Robbins, Brooklyn, N. Y.
14. D. D. Baker, Portsmouth, N. H.
15. Arch'd H. Gillispie, Pensacola, W. F.
16. Benj. E. Brooke, Philadelphia.
17. Jabez C. Rich, frigate Constitution.
18. Thos. Theo. Jarman, Indian Key, E. F.
19. Addison Garland, frigate Bradywine.
20. Frederick B. McNeill, receiving ship North Carolina.

Second Lieutenants.
1. Edward L. West, head quarters.
2. Robt. C. Caldwell, frigate Macedonia.
3. Lafayette Searcy, on leave of absence.
4. William L. Young, head quarters, on leave of absence.
5. Asahel Watson, head quarters, on leave of absence.
6. Henry B. Watson, head quarters, on leave.
7. Thomas A. Brady, frigate Potomac.
8. Isaac T. Doughty, Brooklyn, N. Y.
9. W. A. T. Maudox, Delaware 74.
10. Wm. B. Shuck, Delaware 74.
11. John S. Devlin, Brooklyn, N. Y.
12. Alger S. Taylor, Philadelphia, on leave of absence.
13. William L. Shuttleworth, Brooklyn, N. Y.
14. James Maguire, under orders to Indian Key, E. F.
15. Robt. D. Taylor, Norfolk, Va.
16. Wm. W. Curtis, Charleston, Mass.
17. Robert Tansill, Brooklyn, N. Y.
18. John J. Berret, Gosport, Va.
19. John C. Grayson, Philadelphia.
Head Quarters of the Marine Corps, Adjutant and Inspector's office, Washington, Sept. 29, 1841.
Adjutant and Inspector.

The New York Star of the 9th inst. states that orders have been received at the navy yard at Brooklyn to fit out, with despatch, the Independence razee, and the sloop of war Falmouth.

The U. S. brig Dolphin, which has been lying at anchor for a few days past off the Battery, sailed on Tuesday, when she sailed under way from Washington. Her destination we understand to be Matanzas. We annex a list of the officers:

Lieut. commandant, Wm. W. McKean; 1st Lieut. James H. Ward; 2d do. Charly Steadman; purser, C. C. Rice; assistant surgeon, J. S. Messersmith; passed midshipman, E. A. Ward; midshipmen, James commanders
M. A. Longhish, William J. Truxton, John E. Hopsom; Adam Young, master's mate.

Captain James Armstrong has been detached from the command of the U. S. sloop of war Cyane, now lying off the naval hospital, Norfolk, and ready for sea. It is rumored that commander C. K. Stirling will be appointed to the command. (*Patriot*).
The frigate Macedonia, and sloop of war Warren, got under weigh yesterday morning, and with a light wind from the north, proceeded down the harbor, bound to Norfolk to reit, and from thence to the West Indies. But the wind hauling to the eastward, prevented their going to sea until today.

(Boston Mercantile Jour.)

A Naval General Court Martial was assembled in May last, on board the U. S. ship Pennsylvania, at Norfolk, Virginia, and continued in session until about the 6th of August.

The court was composed of commodore W. Bradford Shubrick, president. Captains Charles W. Skinner, Beverly Kennon, Philip E. Voorheses, J. Paul Zantzinger, Thomas T. Williams, commanders Rhaden Dufany and Isaac Maye, members—Henry S. Allmand, erq. judge advocate.

The following officers were tried, but their sentences have not yet been promulgated. They were all recently attached to the U. S. ship Cyane.

Commander W. K. Latimer—Lieutenants F. B. Ellison, S. W. Godon and B. M. Dove—surgeon L. B. Hunter and purser H. Bridge. [*Army & Navy Chron.*]

STATES OF THE UNION.

MARYLAND.
THE DEFENSE OF BATTLE OF THE 13TH SEPTEMBER, 1814. The anniversary of that memorable event occurring this year on Sunday, the commemoration was deferred to Monday the 13th. Twenty-seven years have left their impress upon the features of those that survive, and yet there was a formidable array of men and arms. Then met the men of the defenders of the city, the would again be amongst the foremost in the ranks, if occasion required their services. Others there were to whom the addition of so many years made it obvious that they had fulfilled their day of service in so arduous a field, but whose presence this day contributed the deepest touch of sensibility to the scene. The arrangements of the day were admirable, and the display imposing. Col. D. HARRIS was selected as chief marshal, general A. MILTENBERGER, assistant marshal, and general S. C. LEARN, general R. DUTTON, major Wm. RONEY, and adjutant T. BALZELL, aids; FRANCIS H. DAVINER, orator of the day. The oration was delivered under the shade of the battle monument—around and about which were seen waving many of the flags that were borne on the battle field in 1814.

MONUMENT TO GENERAL SAMUEL SMITH. At a meeting of citizens of Baltimore some a few days since, it was resolved to take measures for erecting a suitable monument to this revolutionary veteran—for which purpose an association was formed, of which col. JOSEPH JAMISON is president, col. BEAL RASPAHL, ex-president, and col. Tobias E. Stansbury, Joshua Taylor, col. B. W. Hall, Robert C. Galloway, Hugh Ely; William Fell Johnson, Charles Buchanan, Wm. S. Winder, Wm. G. Howard, Wm. Jenkins, J. T. H. Worthington, George Elliott, managers, and E. T. J. Woodward, secretary.

ILLINOIS.

ELECTION. The following are the official return of votes cast for congress at the late election:

First district.	1841.	1840.	
Countries.	Reynolds.	Op	W. F. B. Har.
Alexander	248	262	424 293
Bond	212	426	551 519
Clinton	203	427	417 326
Franklin	452	00	542 71
Gallatin	320	272	1,286 500
Hardin	115	90	132 154
Hudson	276	150	337 210
Johnson	271	61	440 109
Macoupin	664	530	812 629
Madison	459	1,105	1,184 1,704
Monroe	382	325	563 370
Perry	294	103	331 174
Pope	80	100	268 391
Randolph	601	587	817 715
St. Clair	1,039	619	1,783 989
Union	88	434	512 73
Washington	411	120	493 139
Williamson	410	111	578 103
Total	8,004	5,267	11,594 7,487
Reynolds's majority	2,734.	Van Buren's do.	4,107.
Scattering	167 for S. R. Rowen, 7 for W. S. Gilman.		

Second district. 1841. 1840. W. F. B. Har.

Countries.	Anderson.	Op.	W. F. B. Har.
Clark	130	275	338 218
Clark	309	653	611 667
Champaign	101	105	141 154
Coles	309	830	695 1,109
Crawford	309	94	396 421
Edgar	515	434	720 783
Eswards	77	168	212 311
Edingham	190	119	207 52
Fayette	450	434	645 442
Hamilton	407	146	557 126
Joepois	167	61	175 154
Ingraham	167	61	178 73
Jackson	550	264	727 210
Lawrence	472	528	597 676
Marion	371	236	573 174
Montgomery	340	275	530 311
Rickland	507	36	566 56
Shelby	376	619	587 1,044
Union	166	322	254 509
Wabash	361	209	500 205
Wayne	422	603	639 770
White			
Total	6,872	7,071	10,019 8,892
Majority—Casey.	199.	Van Buren 1,197.	

*Formerly a lieutenant in the United States navy.

Third district.	1841.
Countries.	Raidson, Op. Stuart, W.
Adams	1,421 1,557
Brown	360 208
Bureau	306 319
Cook	810 50
Carroll	60
Christian	34
Cass	452 312
De Kalb	318
Dupree	318 303
Pulton	1,110 1,009
Green	963 656
Hancock	523 1,201
Henderson	131 302
Jersey	69
Jo Davies	376 771
Kear	497 476
Knox	523 566
Lee	165 200
Lassalle	1,022 441
Logan	132 253
Mason	100 168
McLean	329 446
Macon	296 162
McDonough	421 430
Morgan	976 1,105
Marshall	148 165
Menard	252 334
McHenry	40
Ogle	275
Peoria	717 570
Pike	691 755
Pitman	139 100
Platt	46
Rock Island	251 327
Sangamon	988 1,563
Scott	470 556
Schuyler	358 584
Stark	16
Stephenson	110
Tazewell	361 744
Warren	235 377
Winnebago	223 493
Whitesides	50
Woodford	234 302
Will	619 389
Total	16,784 19,082

ALABAMA.

THE GENERAL TICKET SYSTEM FOR ELECTING CONGRESSMEN, was enacted by a previous legislature, and the experiment tried at their recent election of congressmen, the Van Buren ticket being elected by a considerable majority—but the law provided that at the election just terminated, the voters of the state should express their will whether the system should be permanent, or whether elections for representatives in future should be by districts, as it had formerly been.

The result is in favor of the district system—sixty-six of one hundred representatives, and all the senators have been instructed by their respective counties, to vote for the repeal of the general ticket system.

DISTRIBUTION BILL.

AN ACT

TO APPROPRIATE THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS, AND TO GRANT PRE-EMPTION RIGHTS.

Ten per cent of proceeds derived from sales within, to be payable to certain states named, over and above their general proportion—Proviso relative to Cumberland road.

It is enacted by the senate and house of representatives of the United States of America in congress assembled, That from and after the thirty-first day of December, in forty-one of our Lord one thousand eight hundred and forty-one, there be allowed and paid to each of the states of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas and Michigan, over and above what each of the said states is entitled to by the terms of the compacts entered into between them and the United States, upon their admission into the union, the sum of ten per centum upon the nett proceeds of the sales of the public lands, which, subsequent to the day aforesaid, shall be made within the limits of each of said states respectively: *Provided*, That the sum so allowed to the said states, respectively shall be in no wise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road; but that the disbursements for the said road shall remain, as

heretofore, chargeable on the two per centum fund provided for by compacts with several of the said states.

The residue, after deducting therefrom enumerated expenses and five per cent. to new states, to be divided between all the states and territories according to representative population and to be applied by their several legislatures—That of the District of Columbia appropriated to purposes of education—The right reserved to regulate the price of, or to transfer public lands to states in which they lie.

Sec. 2. *And be it further enacted*, That after deducting the said ten per centum, and what by the compacts aforesaid, has heretofore been allowed to the states aforesaid, the residue of the nett proceeds—which nett proceeds shall be ascertained by deducting from the gross proceeds all the expenditures of the year for the following objects: salaries and expenses on account of the general land office; expenses for surveying public lands; salaries and expenses in the surveyor general's office; salaries, commissions and allowances to the registers and receivers: the five per centum to new states—of all the public lands of the United States, wherever situated, which shall be sold subsequent to the said thirty-first day of December, shall be divided among the twenty-six states of the union and the District of Columbia, and the territories of Wisconsin, Iowa and Florida, according to their respective federal representative population as ascertained by the last census, to be applied by the legislature of the said states to such purposes as the said legislatures may direct: *Provided*, That the distributive share to which the District of Columbia shall be entitled, shall be applied to free schools, or education in some other form, as congress may direct: *And provided, also*, That nothing herein contained shall be construed to the prejudice of future applications for a reduction of the price of the public lands, or to the prejudice of applications for a transfer of the public lands, on reasonable terms, to the states within which they lie, or to make such future disposition of the public lands, or any part thereof, as congress may deem expedient.

Said portions to be paid over half yearly, in January and July.

Sec. 3. *And be it further enacted*, That the several sums of money received by the treasury as the nett proceeds of the sale of the public lands shall be nett proceeds of the treasury half yearly, on the first day of January and July in each year, during the operation of this act, to such person or persons as the respective legislatures of the said states and territories, or the governors thereof in case the legislatures shall have made no such appointment, shall authorise and direct to receive the same.

Moneys so payable under this act, shall be first applied to the payment of debts due by such state or territory to the United States—Except the debts due under the distribution act of 1836.

Sec. 4. *And be it further enacted*, That any sum of money, which at any time may become due and payable to any state of the union, or to the District of Columbia, by virtue of this act, as the portion of the sales of the public lands, shall be first applied to the payment of any debt, due and payable from the said state or district, to the United States: *Provided*, That this shall not be construed to extend to the sum deposited with the states under the act of congress of twenty-third June, eighteen hundred and thirty-six, entitled "an act to regulate the deposits of the public money," at any sums apparently due to the United States as balances of debts growing out of the transactions of the revolutionary war.

This act to be suspended on commencement of any foreign war, and so remain during such war—Provision in behalf of new states hereafter admitted.

Sec. 5. *And be it further enacted*, That this act shall continue and be in force until otherwise provided by act any new state or states shall become involved in war with any foreign power, in which event, from the commencement of hostilities, this act shall be suspended during the continuance of such war: *Provided, nevertheless*, That if, prior to the expiration of any new state or states shall be admitted into the union, there be assigned to such new state or states, the proportion of the proceeds accruing after their admission into the union, to which such state or states may be entitled, upon the principles of this act, together with what such state or states may be entitled to by virtue of compacts to be made on their admission into the union.

Appropriation for surveying—Present minimum price of lands not to be increased, except of alternate sections upon canal routes—This act to be void in case of increase of said price, and to be suspended in case of an imposition of more than twenty per cent. duty on importations, and remain so suspended during the continuance of such higher duty, and then to be resumed.

Sec. 6. *And be it further enacted*, That there shall be annually appropriated for completing the surveys of said lands a sum not less than one hundred and fifty thousand dollars; and the minimum price of the public lands, are now sold at private sale shall not be increased, unless congress shall think proper to grant alternate sections along the line of any canal or other internal improvement, and at the same time to increase the minimum price of the sections reserved; and in case the same shall be contrary by law, except as aforesaid, at this act during the operation of this act, then so much of this act as provides that the nett proceeds of the sales of the public lands shall be distributed among the several states shall from and after the increase of the minimum price thereof, cease and become utterly null and of no effect, any thing in this act to the contrary notwithstanding: *Provided*, That if, at any time during the existence of this act, there shall be an imposition of duties on imports inconsistent with the provisions of the act of March second, one thousand eight hundred and thirty-three, entitled "an act to modify the act of the fourth of July, one thousand eight hundred and thirty-two, and all other acts imposing duties on imports," and beyond the rate of duty fixed by that act, to wit: twenty per cent. on the value of such imports, or any of them, then the distribution provided in this act shall be suspended, and shall so continue until such time as its suspension shall be resumed, and unless renewed, if not previously shall be resumed by the provisions of this act created by other provisions of this act, such distribution shall be resumed.

Relative to the continuance of certain land offices.

Sec. 7. *And be it further enacted*, That the secretaries of the treasury may continue any land district in which is situated the seat of government of any one of the states, and may continue the land office in such district, notwithstanding the quantity of land unsold in such district may not amount to one hundred thousand acres, when, in his opinion, such continuance may be required by public convenience, or to preserve the land system in such state at a convenient point, under the provisions of the act on that subject, approved twelfth June, one thousand eight hundred and forty.

Five hundred thousand acres granted for internal improvements to each state named in the first section, including what has been received by them respectively, of land within their limit—Regulations relative to location thereof—A similar provision for each new state hereafter.

Sec. 8. *And be it further enacted*, That there shall be granted to each state specified in the first section of this act five hundred thousand acres of land for purposes of internal improvement: *Provided*, That to each of the said states which has already received grants for said purposes there is hereby granted no more than a quantity of land which shall, together with the amount such state has already received as aforesaid, make five hundred thousand acres; the selections in all of the said states to be made within their limits respectively in such manner as the legislatures thereof shall direct; and lands so granted, conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in one location, on any public land except such as is or may be reserved from sale by any law of congress or proclamation of the president of the United States, which said locations may be made at any time after the lands of the United States in said states respectively shall have been surveyed, according to existing laws: And there shall be and hereby is granted to each new state that shall be hereafter admitted into the union, upon such admission, so much land as, including such quantity as may have been granted to such state before its admission, is as aforesaid, and while under a territorial government, for purposes of internal improvement as aforesaid, shall make five hundred thousand acres of land, to be selected and located as aforesaid.

Price thereof limited—and purposes to which proceeds shall be applied, defined—U. States transportation on roads constructed thereby to be free.

Sec. 9. *And be it further enacted*, That the lands herein granted to the states above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise authorised by a law of the United States; and the nett proceeds of

money, separated from banks and the independent treasury, to which he was earnestly devoted, and which he believed would return at last.

Mr. Walker was sorry to hear the opinions of the senator from South Carolina (Mr. Preston), and expressed his uncompromising hostility to the system of state banks.

Mr. Bayard was in favor of adjournment by Monday, but thought the resolution, as there was now business pending between the two houses which must be accomplished before a time for adjournment was fixed, should not be adopted.

He would, therefore, move to lay the resolution on the table till to-morrow, when he had no doubt it might be taken up and adopted. This motion was carried by a vote of 20 to 16.

Mr. Clay, from the joint committee of conference on the revenue bill, reported a substitute agreed on by the committee for the amendments of both houses, which provides, that if in virtue of this (the 20th) section any duty exceeding the rate of 30 per centum ad valorem, shall be levied prior to the 30th June, 1842, the same shall not, in any case, affect the disposition of the public lands, as provided for by the act passed at this session of congress; and, further, that no duty higher than 30 per centum ad valorem shall be levied and paid in virtue of said section on any unmanufactured articles.

This, on motion of Mr. Clay, was adopted; and the senate proceeded to executive business, in which they were engaged during the day.

SEPTEMBER 11. The president of the senate laid before the body a communication from the treasury department, in compliance with a resolution calling for the amount of money belonging to the United States in the Pennsylvania Bank of the United States. The report was ordered to lie on the table and be printed.

Mr. Clayton, from the committee on the library, reported without amendment the joint resolution from the house, relating to the joint resolution from the house, relating to the executive departments which be executed at a rate not higher than that paid for congressional printing, as established by the two houses of congress, with a recommendation that it be indefinitely postponed.

This report led to some remarks from Messrs. Clay, Calhoun, and Clay, of Ala. Woodbury and others; when it appeared that there was a law now in force directing the departments to issue proposals and contract for the printing to the lowest bidder. The report of the committee was concurred in.

The joint resolution for the adjournment of two houses on Friday the 13th instant, at 11 o'clock, A. M. was then taken up.

Mr. Clay did not know that he should oppose any obstacle to the resolution, as the two bills he desired to see disposed of before any day was fixed for the adjournment had never been disposed of. It might be inquired, however, whether it would require a little more time, taking place it might be necessary to require a little more time.

He would suggest a slight amendment of the resolution, to strike out the words "11 o'clock," which would then leave the whole of that day at their discretion.

Mr. Wright thought it better to pass the resolution at once, in its present form, though he had no material objection to the suggestion of the senator from Kentucky.

Mr. Preston moved to amend the resolution by inserting that which he had offered yesterday, "declaring that it inexpedient to adjourn until some law was passed for placing the public money under the control of law," &c. His thought of the passage of 1836, which some slight modification would effect the objection raised in view. He was aware of the disinclination which gentlemen felt to remain any longer at this hot and exhausting season. With regard to himself, however, individually, he would make any personal sacrifice to attain so desirable an end.

Mr. Clay asked for a question could not be decided, for why he should have no objection to the assertion of the inefficiency of the act of 1789 for the safe-keeping of the public money, yet the other branch of the proposition might be attended with some difficulty. He had no objection to say that the purse and the sword should not be in the hands of the president, but to remain until some plan was devised by which the public money could be placed under the control of law might not be so convenient. The president had signed the bill for the repeal of the sub-treasury and the pet bank system, and in his (Mr. C's) opinion very properly, but then he had refused to sign the very measure, yet only that he regretted it say very improperly, but only that he regretted it say very improperly. What other system then could be devised likely to meet the views of the president? If the honorable senator from South Carolina will say what sort of a system can be proposed, which would be sub-treasury, pet bank and national bank, neither be without the approval of the president and at that would meet the approval of the president and at

the same time effect the object which all so much desired, he (Mr. C.) would like to be informed of it, and then he might be disposed to remain until it could be brought to maturity. He very much doubted if the wit of man could devise a plan unaccounted for by these systems, he believed that he had some, but certainly not enough to effect this object. Painful as was the alternative of leaving the sword and the purse in the hands of the executive, (true it was an empty purse), he feared it must be yielded to for the present. The president had said that he would prepare a plan which he would submit at the next congress. What plan that he would be remained to be seen. It had been said that it was an institution to act as a fiscal agent, free from all constitutional objections.

Mr. Wright expressed the hope that these old grounds would not be travelled over again, but that gentlemen would confine themselves to the question before them, which was fixing the time of adjournment.

Mr. King objected to the senator from South Carolina (Mr. Preston) appending to a resolution to adjourn congress a matter with which it had no proper connection. He would not be disposed to support the resolution either adopted or modified. He hoped the resolution would not be embarrassed with this addition.

It seemed to be kept out of view that the repeal of the independent treasury and the deposit bank system was pressed upon the president and again, but that gentlemen would confine themselves to the question before them, which was fixing the time of adjournment. But the gentleman opposite did not offer him one of such a character. Why did they sweep away the law which protected the treasury? Why were they in such imprudent haste to sweep away what they called the "frubish." It was their own fault if they did not see the union of the purse and the treasury was not now under the control of law. Because they could not get a United States bank, they are forced to leave the treasury, as it was left for many a year, under the control of the law of 1789. That law would be found as efficient now as it ever was. As to the one enabling the union of the purse and the sword, that was well understood by the country, and might go for what it was worth. It did well enough on the stump, for electioneering purposes, but the day was gone by when American statesmen could make use of it, with any effect, in the councils of the nation.

Mr. Clay said the senator from Alabama was mistaken in supposing that any approach had been offered or intended to be offered against the president, but reproaches from that side had been made against them for repealing the sub-treasury, a measure which had been recommended by the president, as well as some substitute for it at the same time, which very truly they understood to have meant a bank of the U. States. The measures were taken up pretty much in the order they were suggested, and both were before the president at the same time, and he signed the one and rejected the other. The bills were placed before him, in order that he might, in the event of not signing the bank bill, have refused to sign the other. When he (Mr. C.) was pressing the bill for the repeal of the sub-treasury, gentlemen on the other side protested against it, and said it was treating the president with indelicacy; that it was embarrassing him, and the like, to bring this measure before him at a time when the bank bill was pending in the senate. He placed before the executive, so that he could act on his discretion.

After some further remarks from Messrs. Preston, Walker, Calhoun, Tappan, Henderson and Woodbury, Mr. Preston withdrew his amendment, not seeming to have any objection to the bill of the senate.

Mr. Clay then moved to strike out the words "eleven o'clock;" which motion was agreed to.

And then the senate proceeded to the consideration of executive business, and after some time spent therein, adjourned.

SEPTEMBER 13. Mr. Benton desired to submit a resolution. It would be reconsidered, he said, that some days since a senator from Delaware (Mr. Beeson) had submitted a resolution, which he gave notice he should call up for consideration at the next session.

Mr. Bayard's resolution is in the following words: "Whereas the senate of the United States, on the 28th of March, 1834, adopted the following resolution:

"Resolved, That the president, in the late executive proceedings in relation to the revenue, has assumed upon himself the exercise of a power conferred by the constitution and laws, but in derogation of both."

"And whereas afterwards, to wit: on the 16th day of January, 1837, the senate, in reference to the above resolution, adopted the following resolution: 'Resolved, That the said resolution be expunged from the journal; and for that purpose, that the secretary of the

senate, at such time as the senate may appoint, shall bring the manuscript journal of the session of 1837-41 into the senate chamber, and the presence of the senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the words following: Expunged by order of the senate this 16th day of January, in the year of our Lord 1837.'"

"And whereas the constitution of the United States expressly requires that each house of congress shall keep a journal of its proceedings, meaning thereby to preserve a faithful and permanent record of the proceedings."

"And while the senate of the United States, independently of its legislative, executive and judicial functions, has the inherent right, as a deliberative assembly, to express its opinions, which can be done only by a report of its proceedings, of which the constitution provides that a permanent record shall be kept."

"And whereas the secretary of the senate in January, 1837, and the act of the secretary of the senate in compliance with it, in legal contemplation destroyed, and in fact defaced the record of the proceeding to which it refers; therefore

"Resolved, That the resolution of the 16th of January, 1837, commonly called the expunging resolution, be, and the same is hereby rescinded, and shall be forever hereafter held as naught; and that in all future publications of that periodical which contains the resolution of 1837-41, and in all copies which may hereafter be made of the same for any official or legal purpose, the said resolution of 1837-41 shall be published sans expungement, and no notice or notice on said publication without any notice whatever of the superscription which was erroneously made, in pursuance of the resolution of the 16th of January, 1837."

Mr. Benton said he did not desire to have his measure acted on by the president, but simply to ask that it might be presented and placed on the journal as an amendment to that offered by the senator from Delaware. His motion was to strike out all after the word resolved, and insert:

"That the resolution expunging from the senate journal the sentence of censure pronounced against President Jackson for removing the public deposits from the Bank of the United States, commonly called the 'expunging resolution,' was an act done by the senate in conformity to the will of the people, authoritative expressions of the popular elections, and in the instructions from the general assemblies of the states, after a full and fair submission of the question to the people in the states for their consideration; and that the same, in accordance with such expressed will and instructions, it is incompatible with the principles of representative government, and inconsistent with the respect due to the people, in submitting the senate to act upon a proposition for rescinding the said expunging resolution; while the said instructions of the states and the said expressed will of the people remain unexecuted and unacted upon by any subsequent instruction or expression of the public will."

Mr. B. moved that the amendment be printed, and laid on the table to next session; which was carried.

Mr. Huntington, from the committee on commerce, asked to be discharged from the further consideration of a bill introduced by him heretofore reported on; which was agreed to.

Mr. Clay, from the committee on finance, Mr. Smith, from the committee on public lands, and Mr. Morehead, from the committee on Indian affairs, severally asked to be discharged from the matters referred to said committees and not reported on.

Mr. Smith, of Indiana, moved to proceed to the consideration of the expunging resolution. Messrs. Bayard and Archer contended for the third reading and passage of the resolution relating to reporters.

Mr. Smith, of Indiana, moved to lay it on the table. Mr. Walker demanded the yeas and nays; when the question stood thus:

YEAS—Messrs. Benton, Chase, Clay, of Ky., Clayton, Dixon, Evans, Graham, Henderson, Huntington, Mangum, Merriam, Miller, Phelps, Porter, Prentiss, Simmons, Smith, of Conn. Tallmadge, White, Woodbridge—18.

NAYS—Messrs. Allen, Archer, Berrien, Buchanan, Calhoun, Clay, of Ala., Fulton, King, Lind, McRoberts, Morehead, Monton, Sturgeon, Tappan, Walker Woodbury—10.

Mr. Smith, of Indiana, then moved to go into executive session.

Which motion having been agreed to, the senate then proceeded to the consideration of executive business, and remained engaged until 11 o'clock at night, when they adjourned sine die.

HOUSE OF REPRESENTATIVES.

THURSDAY, SEPT. 9. The house being very thin, Mr. Fillmore moved a call of the house.

Mr. Fillmore moved that the house adjourn, and asked the yeas and nays on that motion, which were ordered, and, being taken, were: yeas 0, nays 150.

The house resumed the consideration of the bill in relation to duties and drawbacks, and the amendments thereto.

The first question pending being on the motion of Mr. Birdseye, to reconsider the vote of yesterday by which article of salt had been released from duty; Mr. Hopkins asked the yeas and nays; which were ordered, and, being taken, were yeas 95, nays 79. So the vote was reconsidered.

The next question being on the motion of Mr. Morgan, to reconsider the vote determining not to export from duty the article of "iron"—Mr. McKean withdrew the motion.

The next question being on the motion of Mr. Wise to reconsider the vote of yesterday by which the article of sugar had been released from duty, Mr. Welles asked the yeas and nays; which were ordered, and being taken, were yeas 101, nays 80. So the vote was reconsidered.

The next question was on the motion of Mr. Wise, to reconsider the vote of yesterday by which the article of cotton had been exempted from duty.

The yeas and nays were asked and ordered, and being taken, were yeas 119, nays 60. So the vote was reconsidered.

The question then recurring on the original motion of Mr. Wise to insert these several articles as duty free; Mr. Wise said that as he saw the vote of yesterday had been reversed, he would submit to the reversal, and would withdraw his motion.

Mr. Stenard supposed then, he said, that the withdrawal of the motion carried with it his (Mr. S's) motion also.

The speaker replied in the affirmative. So the motion to insert as free "salt, sugar and cotton," was withdrawn.

And the question recurring on concurring in the amendments of the senate, as amended by the committee of the whole on the state of the union—

By general consent, the question was taken on all the said amendments, except as hereinafter mentioned, and they were concurred in.

Mr. Bots called for a separate question on the amendment of the senate to alter the articles of tea and coffee on the free list; and it was ordered.

Mr. Shepperd asked the yeas and nays on concurring in the said amendment; which were ordered, and being taken, were yeas 178, nays 7. So the amendment of the senate was concurred in.

Mr. Stenard then called for a separate amendment of the committee of the whole on the state of the union, to the amendment of the senate to the second section.

The amendment of the senate introduces a proviso that no duty that may be levied or collected in virtue of the said second section shall exceed 20 per cent. ad valorem.

This amendment was amended in committee of the whole on the state of the union, on motion of Mr. Fillmore, by striking out all after the word "provided," and inserting, that nothing herein contained shall in any way affect the distribution of the proceeds of the public land, as provided for by an act passed at the present session.

Mr. Campbell, of S. C. asked the yeas and nays on concurring with the committee of the whole in its amendment to the amendment of the senate, which were ordered, and being taken, resulted as follows: yeas 103, nays 93.

So the amendment of the committee to the amendment of the senate was concurred in. And the amendment of the senate as amended by the house was concurred in.

The bill was then sent to the senate.

On motion of Mr. Fillmore, the house resolved itself into committee of the whole on the state of the union, (Mr. Mason, of Ohio, in the chair), and took up the bill making appropriations for the salaries and emoluments of agents, which had been returned from the senate with an amendment striking out the Neapolitan mission, and consequently reducing the amount appropriated in the bill from the sum of \$63,000 to the sum of \$58,500—and the question being on concurring with the senate in their amendment—

Cushing chairman of the committee on foreign relations, who hoped the house would not concur in the amendment proposed by the senate, and which went to abolish the mission to Naples altogether.—He was of opinion that that mission ought to be retained. As he had already, on a former occasion, presented, to a certain extent, his views on this subject, he should not enter on it now, unless some opposition should be made.

Mr. McKean was in favor of concurring with the amendment. He had moved a call some time since on the state department for information touching the duties of the minister at Naples, and how he occupied his time; but no report had yet been received in relation thereto. It was said, indeed, that there existed some prospect of effecting a treaty with the Neapolitan court, but as nothing had been done for

years past, he believed nothing would be done for years to come. He observed in the bill an item of \$4,500 for the outfit of a new charger, and why not continue the individual already there? Was there any charge of negligence or violation of duty preferred against him? All that Mr. McK. had heard was that he had nothing to do. But how could gentlemen that were so loud in favor of retrenchment and reform come forward and advocate an appropriation like this?

[The president's secretary having now made his appearance, and there being great anxiety in expectation of a veto message, Mr. McK. was interrupted by frequent cries of "question! question!"]

On the motion of Mr. Cushing, the committee here rose to receive a message from the president of the United States, transmitted by the hands of Robert Tyler, esq. his secretary.

The president informed the house that he had approved and signed the following bills:

The bill making appropriations for various fortifications, for ordnance, and for preventing and suppressing Indian hostilities;

The bill granting the franchise privilege during life to Mrs. Harrison, widow of the late president of the United States;

The bill in relation to Greenough's statue of Washington;

The bill making appropriations for the post office department.

The president also transmitted to the house a message in writing, giving his reasons for withholding his signature from the fiscal corporation bill. [For which message see last Register, page 15.]

The message having been read, Mr. Morroe rose and moved that the message be entered on the journal, and be printed for the use of the house; and that the house to-morrow, at twelve o'clock, proceed "to reconsider the bill." This, he said, was the language of the constitution; and the foundation of investigation that this course was in accordance with the practice in former cases.

The motion was immediately agreed to.

The house again resolved itself into committee of the whole on the state of the union, Mr. Mason, of Ohio, in the chair, and resumed the consideration of the bill making appropriations for the salaries and outfits of diplomatic agents.

Mr. McKean continued and concluded his speech in favor of concurring with the senate's amendment striking out the item for a mission to Naples.

Mr. Cushing entered into a brief reply, and insisted that it was of all points of time the most unsuitable to break up the mission.

Mr. Stenard pressed for the question, expressing some desire to speak upon it, but being willing to waive the floor if the question could be had.

Mr. Wise addressed the committee, and took substantially the same ground that Mr. Cushing had, going more fully into the details as to the extent and consequences of our commerce with Naples, the value and importance of a commercial treaty to the interests of every part of the union, and the necessity, in the present aspect of our affairs, of having the eye of a diplomatic agent kept on the movements of European powers.

Mr. Adams followed in favor of the appropriation in the bill, and in disagreeing in the senate's amendment.

Mr. Ingersoll, spoke in favor of the appropriation and expressed the mission, changing his former views in consequence of reasons given by the chairman of the committee of foreign relations, (Mr. Cushing).

Mr. Stenly congratulated the gentleman from Virginia (Mr. Wise) on the very proper and patriotic course he had pursued on this occasion in favor of the Neapolitan mission; but must be malicious enough to remind him of the very different course he had pursued, last session, in reference to the mission to Mexico, when he had moved to strike the appropriation for a minister to that government, or to reduce it, and Mr. S. had opposed the motion.

Mr. Wise here turned round and addressed to Mr. Stenly a reply in explanation of his course the last session, saying that he was sure his name must be right because the gentleman from Mass. (Mr. Adams) and the gentleman from Virginia (Mr. Wise) were

both opposed to it: the same remark might now be turned the other way, and it might be said that this mission to Naples could not be right, since both these gentlemen were in its favor. Mr. S. should vote for this appropriation because it was recommended by the executive; although he did not know whether he should hereafter support President Tyler's administration or not; he thought it not improbable he should be against it. Mr. S. said he would not move to strike this item from the bill when both the gentlemen from Massachusetts and the gentleman from Virginia told him it was right. His position was now, for the first time in his life, somewhat equivocal; but as long as he remained in it, he would not vote against appropriating the money for the mission to Naples, and by the honorable gentleman from Massachusetts, who was perfectly familiar with all these matters, (and he might almost say with every thing else in the world).

The gentleman from New York—he meant the gentleman from the city of New York—who went away for two or three weeks, and as soon as he got back talked on every subject before the house—that one (Mr. McKean) had brought up the subject of Mr. Enos T. Throop—a subject in regard to which a gentleman from Virginia, Mr. Jones, had said that Mr. S. had refused to sit last session at least twenty-five times. Well, it was true, Mr. S. had held it up repeatedly as a reproach to the administration of Martin Van Buren; and he had so represented it at home to his constituents. And that very case of rewarding a man who had so grossly betrayed his trust, was of itself enough politically to damn Martin Van Buren and his administration to all eternity. He wanted more to prove that, than the report of the investigating committee which had been made by the gentleman near him, Mr. Dawson. [Mr. S. here quoted the report in reference to Mr. Throop's conduct, stating that for a period of nine years he had utterly disregarded the law prescribing the duties of his office and the orders of the treasury department, and had considered the very object of his appointment nugatory; and that through his neglect Mr. Swartwout's defalcation had gone on accumulating for years.] Nor let it be said that this was a mere *ex parte* statement; created by party spirit, for it had received the sanction of all the great newspapers of New York, and stood high in the same political party with Mr. Throop himself, and with the gentleman from New York, Mr. McKean.

Mr. S. here quoted Mr. Hopkins's endorsement of the report. Yet, with this report, the truth of every word of which the gentleman from New York would not after this deny, staring him in the face, Mr. Van Buren suffered this man to revel in luxury at Naples, and for two years to draw his \$4,500 out of the treasury.

Mr. S. observed, in conclusion, that if John Tyler should veto a hundred rank bills, he would excuse him on the ground of obeying his conscience; but if he could so far forget his duty, if he could so far listen to the whisperings of a depraved ambition, as to keep an officer like this in an honorable and lucrative station, he would deserve the contempt and execration of every honest and honorable man. He rejoiced to learn that this Enos T. Throop was to be recalled.

Mr. Fillmore said he was informed that Mr. Throop had been recalled, and was on his way home.

Something like order having been restored—

Whilst Mr. Fillmore was in the midst of a sentence, Mr. Wise crossed over to the seat of Mr. Stenly, and had observed those two gentlemen in conversation apparently of a very excited character, saw Mr. Wise raise his hand violently and aim a blow at Mr. Stenly who as instantaneously met or returned it. A violent fight followed, and, in less time than it can be described in this report, a scene of mingled uproar and fight, such as the reporter in many years experience has never witnessed on the floor of the house, ensued.

Messrs. Wise and Stenly were lost to the sight of the reporter in the general rush, whilst Mr. Jnoch, of Tennessee, and Mr. Butler, of Kentucky, were noticed in a violent personal struggle, striking at and grappling with each other. Mr. Dixon, H. Lewis, and Mr. Gilmer, and others, were in the midst, endeavoring to quell the disturbance, which had now reached a point at which it seemed impossible to arrest its progress. The members had rushed from all parts of the hall, some rushing over and others standing upon the tables, literally piling themselves one on the other, and several of them were seen by the reporter raised up as if in the act of striking. At length, however, this time had resumed the chair, informally, but no one paid the least regard to his voice, and he called in vain on the officers, none of whom were observed by the reporter, with the exception of the door keepers, who was endeavoring to close the doors and windows against the angry mob without, who attempted to rush within the halls.

The general merriment continued from two and a half to three minutes. It then subsided. It appeared as if they would direct process could not be understood; but the voice of Mr. Wise, who had returned to his seat, was heard addressing the chair.

Mr. Wise said he had risen, perfectly cool, for the purpose of apologising to the house in the most humble manner, and of asking its pardon, as he most sincerely did. He had in its presence, notwithstanding the manner of the speaker and his order—an excited feeling which he could not repress. The house had witnessed what had passed between the gentleman from North Carolina (Mr. Stanly) and himself, in the course of the debate, and had heard the language used by that gentleman towards him. He (Mr. W.) had passed over all that took place, but he repeated to me what he had said, and I gave him warning that he had not met me in the spirit in which I

Mr. W., at the close of the sentence which was thus lost, was interrupted by

Mr. Judreus, of Kentucky, who said that he objected to the gentleman going into the facts, which he hoped would be ascertained by a committee of persons wholly uninterested.

Mr. Wise. I have but a few words to say. (Cries of "go on—go on.") In the warmth of my excitement I used harsh language, and the gentleman returned to me a word which I could not brook, either here or elsewhere. Never, whatever may be the consequences, will I brook that word. I thank him. I have offended against the house, gentlemen, as its president has said, and I submit myself to any penalty which it may please to impose.

Mr. Stanly then took the floor, and said he had not risen to ask pardon of the house. If he had offended against it—if he had been guilty of any violation of its rules, he would submit to any penalty the house might impose, even to be expelled, or to be asked to resign. But (continuing, Mr. S.) I believe I have done what any other man on this floor would have done under similar circumstances.

The honorable gentleman from Virginia, (Mr. Wise), whose insolence I will not say is notorious, came round to my seat, not, as he says, to remonstrate, no, not to remonstrate—but to scold, to lecture, to browbeat me, as he does very often, and to presume to differ with such a big fellow from Virginia as he is. I could not tolerate it. I told him what I understood him to have said, and what I had said in reply. He then said, "I want to warn you." To which I replied, "No, I will not take your warning." He then said, "Come out of the hall with me," and started towards me, and I said, "You take your own course; I have nothing more to say." He then said, "You deserve my contempt;" and I said, "Sir, you are a liar."

Mr. Wise. That is not a fact.

Mr. Stanly. That is the state of facts. I assert it before my constituents, before this house, and before the world.

The gentleman then raised his hand and struck me; and if the members of the house had not intervened, I would have given him the severe punishment which he deserves for his insolence.

Mr. Ingersoll rose and offered the following resolution:

Resolved, That a special committee be appointed to inquire into the circumstances of the recent assault upon the gentleman from North Carolina (Mr. Stanly), members of this house, and to report thereon to the house.

Mr. Judreus, of Kentucky, said that at the last congress a committee had been appointed on a similar subject when a similar assault had taken place. How the investigation ended every body knows. He was opposed to the appointment of a committee. He considered the former occurrence disgraceful to the house, as he considered this. He thought that the two members engaged deserved to be expelled, and he believed they should be expelled now, upon the spot, and without further delay.

[Cries in many parts of the house, "Agreed—agreed!"]

There was no other way in which the house could vindicate its character and its dignity. The committee appointed in a similar case at the last congress had done nothing—had recommended nothing—and the indignity which had been offered to the house and the country went unpunished and unrebuked. It was for no committee—it would be a mere whitewash.

affair—a mere humbug, such as we had before us.

Mr. Judreus moved the previous question.

Mr. Hopkins moved to lay the resolution of Mr. Ingersoll on the table, with a view, he said, if that motion prevailed, to offer the following resolution:

Resolved, That the hon. Henry A. Wise, a member of the house, having this day, by his own confessions on the floor of the house, while in session in committee of the whole on the state of the union, committed an assault on the hon. Edward Stanly, be therefore expelled from the house.

Mr. Judreus moved to lay the resolution on the table, for the reasons above stated by him.

Which motion was rejected.

The previous question being ordered, the resolution by ayes 124 votes not counted, was adopted. The committee was ordered to consist of seven members.

Mr. Lewis Williams said, if there was no other motion, he would move that the house adjourn, but he withdrew the motion.

Mr. Yorke asked leave to offer a joint resolution providing for the adjournment of congress on Saturday next.

The house again resolved itself into committee of the whole on the state of the union, (Mr. Pope, of Kentucky, in the chair), and resumed the consideration of the bill making appropriations for the outfit and salaries of diplomatic agents.

The question was then taken on the pending motion, and the house disagreed to the amendment of the second striking out the Neapolitan mission, and of consequence, to the reduction of the amount appropriated by the bill, (the one following the other).

The second amendment of the senate, providing for extra compensation to officers of both houses on account of services rendered during this special session, gave rise to a debate, in which Messrs. McKim, Warren, Judreus, of Kentucky, Fillmore, Prentiss, Hopkins, Adams, and Bidlack participated.

Mr. Tillamoth offered an amendment to the amendment of the senate, appropriating a sum not exceeding \$273 for completing the contract for printing and binding the catalogue of the library; which was adopted.

The amendment of the senate, as thus amended, was agreed to.

The committee then rose and reported the bill to the house.

And the question being on concurring in the amendments of the senate as amended, Mr. Arnold moved the previous question, and there was a second; and the bill was passed.

The house then concurred with the committee in its disagreement to the amendment of the senate in relation to the Neapolitan mission.

And on the second amendment of the senate (in relation to compensation to officers) as amended by the house, the vote was, yeas 58, yeas 65.

So the second amendment, as amended, was concurred in; and the bill was ordered to be sent to the senate.

On motion of Mr. Adams, the house took up the bill, heretofore passed, providing for the repeal of so much of the 6th section of the act of 1838 (in relation to the West Point academy) as provides for the investigation of the Smithsonian and the University of the District of Columbia. This bill had been returned from the senate with amendments. The amendments of the senate were, on motion of Mr. Adams, amended in several respects, and the bill was returned to the senate.

And then the house adjourned.

FRIDAY, SEPT. 10. The speaker announced the select committee on the personal reconnoiter between Messrs. Wise and Stanly, as follows: Messrs. Ingersoll, Merceur, Everett, Caruthers, Saltonstall, Holmes and Ferris.

The revenue bill, which was yesterday sent to the senate with an amendment by the house to the proviso added by the senate to the second section, having been returned by the senate with notice that they adhere to their own original amendment, was taken up. A short debate arose on the question of the two amendments, and the character of each. Mr. Fillmore moved that the house insist on their amendment with a view to the appointment of a committee of conference. Messrs. Shields, Dawson, Hopkins and Warren, urged the propriety of receding and Messrs. Ingersoll, Tillamoth, Arnold and G. Davis expressed their views in favor of insisting.

The house voted to insist: yeas 59, yeas 76.

Mr. Gilmer, on leave given, presented certain resolutions adopted by a meeting of the people of Albemarle county, Virginia, on Monday, the 5th of September.

The purport of the resolutions was not stated, but Mr. McKim moved that they be laid on the table and printed.

The speaker said the motion to print had been uniformly objected to in such cases, and could only be entertained by unanimous consent.

Mr. Gilmer did not press the motion to print, and the resolutions were laid on the table.

Mr. Hopkins, from the committee on the post office and post roads, presented a communication from Col. Gardner, late auditor of the treasury for the post office department, remonstrating against the tendency of certain passages in the recent communication of the present auditor, (Mr. Whittlesey), which seemed to reflect on his conduct in that office.

After some remarks from Messrs. Underwood and Judreus, to the communication as contrary to usage, it was laid aside.

Mr. Yorke's resolution for an adjournment of congress at eleven o'clock on Monday, was taken up, and after an ineffectual attempt to amend it by fixing the time at 11 o'clock to-morrow, it was passed unanimously.

Mr. Dawson, with the general consent of the house, made a statement in relation to the affray of yesterday between Messrs. Wise and Stanly, as follows:

"It is with much pleasure, Mr. Speaker, I rise to state that the sudden, unpremeditated, and deeply regrettable occurrence which occurred in this house yesterday, between the gentleman from Virginia, (Mr. Wise), and the gentleman from North Carolina, (Mr. Stanly), both members of this body, has been adjusted through the interference of friends, in a manner honorable to themselves. To say that both gentlemen were deeply and sincerely grieved at the causes leading to this explanation, I am sure, would be but a weak expression of their regret. Each gentleman retracts any remarks which have been deemed offensive by the other—in the order in which they were spoken—and are restored to their pre-existing relations."

Mr. McKim then called up the joint resolution relating to water-rotted hemp, and on his motion the house resolved itself into committee of the whole, Mr. Barnard in the chair, when, no amendments being offered, the committee rose without debate, immediately, and reported the bill, which was accordingly passed.

Some conversation then took place between Messrs. Barnard and Cushing as to the proposed renewal of the act to prevent breaches of the neutrality laws.

Mr. Cushing stated that the act had not been referred to the committee on foreign affairs.

Mr. McKim presented a resolution calling on the post office general for information as to the amount of postage received on letters, and also upon papers, &c. Passed.

Mr. Oursley's resolutions for the amendment of the constitution, limiting the eligibility of a president to one term, and restricting the veto power, were taken up.

Mr. Prentiss objected to their being acted on.

Mr. Oursley moved to suspend the rules.

Mr. A. Brown asked for a division of the motion to suspend. Many might be willing to vote to receive the first part, who would object to the second part.

The speaker decided that a decision of the question would be in order until after the motion of suspension were disposed of.

The rules were then suspended; less than two-thirds voting for it—87 to 81.

Mr. A. Brown then moved to suspend the rules to take up the resolution offered by him at the beginning of the session, to amend the constitution as to the re-eligibility of the president.

On the motion to suspend, the vote was yeas 99, yeas 58; and as two-thirds did not vote in the affirmative, the motion to suspend was lost.

Mr. Bots moved the house proceed to the orders of the day. The bill for the fiscal corporation, as amended, was taken up. The bill was passed, yeas 100, yeas 58, yeas 58.

Mr. Bots began by referring to his own peculiar position in reference to the president and the country—but for which he should have been content to let the subject pass without any remarks from him. But that peculiar position compelled him to place himself right with the country. He had been charged by the gentleman from Massachusetts, (Mr. Cushing), and others, a few days since, with having applied harsh and unjust epithets to the president, and on that occasion he had pledged himself to make good his words whenever that second time he should rise with the country. He had no more charges against the president, if not out of by the "one hour rule."

He would take all the alumn attaching to the failure, and if any disinterested friend would say that the proof was not complete, he would take back every word.

He had, on the occasion referred to, prophesied this veto, but he was then at a loss for the reasons which the president would assign for such an act.

there was a beginning, a pleading that congress would put off this matter. How was the president to speak? He had been complained of for decided language in the other. Would not the country understand this matter, and see that the president was charged with one thing and then with another, whatever course he took?

[Here Mr. *Proffit* was cut off by the expiration of his hour.]

Messrs. *Laue*, of Indiana, *Samson Mason*, of Ohio, and *Thompson*, of Indiana, followed against the veto, and Mr. *Jones*, of Maryland, in favor of the veto.

Mr. Gamble, at 6 o'clock, moved the previous question, which was ordered, by a very large vote.

After numerous motions to adjourn, by Mr. S. W. Andrews, and others, which were all promptly negatived by large votes, the main question on the passage of the bill was put; and the vote resulted as follows:

[illegible]

NAYS.—Messrs. Arrington, Brown, Clark, Brooks, Bidwell, Eddy, Lusk, Ayres, Vinton, Henson, Charles Brown, Wm. O. Butler, P. C. Caldwell, J. Campbell, Chapman, Clinton, Coles, Richard D. Davis, John B. Dawson, Dean, Daig, Eastman, John C. Edwards, Ebert, Ferris, George F. Floyd, Charles A. Floyd, Fornay, George Fox, G. H. French, J. M. French, Geo. S. French, John French, Hays, Holmes, Hopkins, Hauke, Hunston, Hubbard, Hunter, Ingersoll, William W. Irwin, Jack Cave Johnson, John W. Jones, Keim, Andrew Kennedy, Lewis, Abraham Lincoln, John Little, James Little, John Little, Madison Little, Malbury, Marchand, John Thompson Mason, Matthews, McMill, Miller, Newland, Perimeter, Partridge, Payne, Plumer, Pratt, Reynolds, Rhet, Rogers, Ross, Shaw, Shields, Snyder, Stedmond, Sweney, Turney, Van Hook, W. Williams, Wyder, Westbrook, Jamison.

W. Williams, Wyder—50.

Before the adjournment Mr. *Filbore*, from the committee of conference with the senate on the amendment to the second section of the revenue bill reported a substitute for the original amendment which was adopted by the house.

The house then adjourned at twenty minutes before seven.

SATURDAY, SEPT. 11. Mr. Jones, of Va. rose and said that in the absence of his colleague (Mr. Carey) who was detained from his seat by indisposition, he would ask the consent of the house to be allowed to offer certain resolutions adopted by a large and respectable meeting of the people of Sussex county, in the state of Virginia, condemning in strong and forcible terms, most of the important measures which had engaged the attention of congress at its present session; and approving the first veto of the bank bill by the president. The resolutions were received and laid upon the table.

The house, on motion of Mr. McKee, resumed the consideration of the following resolution, heretofore reported by Mr. Ferris, from the committee on foreign affairs:

Resolved, by the house of representatives of the United States of America, That the president of the United States be requested to consider the propriety of entering into negotiations with the British government for the purpose of obtaining the release of such citizens of the U. States as may now be detained at Van Dieman's Land, or any other part of the British dominions, for any alleged or actual participation in the late insurrection in the Canadas.

Mr. McKee (who, when the resolution was last under discussion, was cut off by the expiration of the morning hour) resumed the floor, and continued his remarks for some time, when he gave way to Mr. Ingersoll, from the select committee appointed on the breach of privilege, in the case of Messrs. Stantley and Wise, who made the following report:

The special committee, appointed to inquire into the circumstances and report to the house, on the rencontre between Mr. Wise and Mr. Stantley, on the floor of the house, respectfully submit:

That they notified those gentlemen of their meeting in committee, where Mr. *Wise* and Mr. *Stant* might attend if they thought proper, and that their respective written statements would be received by the committee.

With commendable promptitude and candor, both those gentlemen presented written statements, not materially differing in their several accounts.

The committee, therefore, deemed it superfluous to take further testimony; and without delay, as the session is drawing to a close, present the following outline of this transaction:

During debate in the committee of the whole on the 9th day of this month, Mr. *Standy* having said what Mr. *Wise* considered improper or unkind, left his seat, after Mr. *Standy* had resumed his, and went to it. Some exciting private conversation took place between them of an angry but not insulting character, till Mr. *Wise* warned Mr. *Standy* not to speak of him again as he said he had done; that he told him that he (Mr. *Wise*), but for their past relations, would seale Mr. *Standy* on the floor for the first beforementioned atack in debate. Mr. *Standy* re-

plied that he would not take Mr. *Wise's* warning. Mr. *Wise* proposed to Mr. *Standy*, as Mr. *Wise* states, for explanation, that they should not go to the house of the adulteress, but that they should go to the house of the adulterers. No, sir, you have heard what I have said; you can take your own course; I have nothing more to say. Mr. *Wise* then applied contemptuous language to Mr. *Standy*, which he cast back on Mr. *Wise*, saying, "You are a liar, and you are a scoundrel." In terms of indignity being exchanged, Mr. *Wise* says that he applied to Mr. *Standy* terms of extreme insult, which Mr. *Standy* repelled by calling Mr. *Wise* a liar; whereupon, Mr. *Wise* says he struck Mr. *Standy*, who says Mr. *Wise* struck at him. It follows necessarily that Mr. *Wise* was the aggressor in this conflict, which was put end to by adjacent members forcibly separating the combatants.

The proceedings of the house were entirely suspended by the tumult and confusion which ensued. Persons from without rushed into the scene of action; the speaker, without form, resumed the chair, and for some time tried in vain to restore order.

The committee consider it useless to dwell in mere terms of condemnation on an outrage so detrimental to the dignity of the house of representatives, and derogatory to the character of the country. Every member must feel, as every citizen has declared, that it is high time to put an end to such destructive occurrences.

They therefore submit the following resolutions:

1. *Resolved*, That this report be inserted in full in the journal of the house, as a reprimand.

2. *Resolved*, That it be henceforth among the rules of this house, that for any insulting word, applied by one member to another in committee of the whole, it shall be the duty of any member to rise immediately to report the same; the speaker on his resuming the chair; whereupon the speaker shall inflict a fine of not less than one hundred dollars on the offending member, to be deducted from his compensation; and that for any insulting words applied by any member to another, in the house, the speaker shall fine him as before mentioned, as on reports of the committee. All such reports shall be subject to an appeal to the house.

Resolved, further, That it be henceforth among the rules of the house, that for any blow or assault inflicted by a member of this house on another, in committee of the whole, the same shall be reported by the chairman of said committee to the speaker; and for any blow or assault inflicted by a member of this house on another, in the house, it shall be the duty of the speaker in all such cases aforesaid forthwith to submit to the house a motion for the expulsion of such offending member; which motion the house shall immediately, in priority of all other business, proceed, on the speaker's said motion, to determine.

Mr. I. moved the previous question upon the adoption of the report.

Mr. Adams asked who was reprimanded?
Mr. Ingersoll said he could tell the gentleman, but

as the previous question had been called, he did not think it would be in order.

Mr. Adams moved to lay the report upon the table. A call of the house was now ordered; but before the

absentees were called through—Mr. Chapman, of Alabama, moved that all further proceedings in the call be dispensed with. The house so ordered it without a count.

The question was then taken on the motion for the previous question; and was decided in the negative. So there was not a second.

A very long and exciting debate, running through the space of four hours, and assuming at times a very personal aspect, ensued; in which Messrs. *Adams, Rogers, Ingersoll, Everett, Caruthers, Warren, Botts, Saltonstall, Proffit, Hopkins, Marshall, Arnold, Underwood and Stuart*, participated. The proceedings were as follows:

The clerk to inform the governor of Virginia thereof. It was subsequently withdrawn. And, in explanation of his reasons for offering this resolution, Mr. *Warren* remarked that almost all the affidavits which had taken place in the house had been between the whites and the southern negroes, and that the negroes coming from the northern and eastern parts of the union were very much opposed to them, as all should be; so that he felt himself bound to send the proposition he had already done to the table, with a view of preventing the recurrence of such a scene as had occurred on Thursday. Having done this, whatever might be the fate of it, he should wash his hands of the whole matter. He said that his confidence in the high and indignant at the enactment of these disgraceful measures, and desired the existence of a better state of things in congress. If he were to give his assent to them, he would come in for his share of the defamation which attached to this house. He agreed with the gentleman from Tennessee that, when one member struck another, the list was bound to retaliate, and that the government was bound in reference to the disturbance on Thursday, he believed they were indebted to the resolution and strength of some members, and to the position of the stable and chairs on that occasion, for the prevention of one of the bloodiest riots that had ever taken place in the civilized world. Were they, he asked, to go on and countenance these riots until they should see fit to do so, he would not countenance them, and therefore he had drawn up this resolution in anticipation of this report being made, and which he had intended to offer as a privileged question.

Mr. *Botts* proposed to strike out the first and second resolutions, and to adopt the report with the third resolution.

Mr. *Caruthers* moved to amend the first resolution by adding at the end thereof the words "Henry A. Wise."

Mr. *Boyd* moved to lay the whole subject on the table.

On which motion the yeas and nays were asked and ordered, and, being taken, were—yeas 72, nays 93. So the house refused to lay the whole subject on the table.

And the question recurring on the amendment of Mr. Caruthers—Mr. Moore, of La. suggested an amendment going to dispense with all further proceedings, (in view of the apology made by Mr. Wise), but had not an opportunity to offer it formally.

Mr. *Arnold* offered an amendment which, as subsequently modified by him on the suggestion of Mr. *Pope*, read as follows:

Resolved, therefore, That the hon. Henry A. Wise, the aggressor, in the above mentioned assault, has acknowledged his offence and asked pardon of the house, all further proceedings in regard to the subject be discontinued.

Mr. Calhoun (chairman of the select committee on the rules) was understood to suggest that that committee had reported a provision to meet cases of breach of privilege for the time to come.

Mr. *Proffit* moved to recommit the report, in order to enable the committee to make such a one as would better meet the views of the house.

Mr. Stuart moved to amend the motion of Mr. P. by adding thereto the following instructions:

That, as the hon. *Richy* *W. H. H.*, who was the assistant of the hon. *E. Stansby* on the floor of the house of representatives on the 9th instant, has made the proper acknowledgments to the house, and as the controversy between the parties has been amicably and honorably adjusted:

Resolved, therefore, That all further proceedings on the part of the house, in regard to said assault, be discontinued.

Mr. Arnold asked the yeas and nays; which were

In the course of the debate, Mr. *Wise* in a few brief sentences repeated the expressions of apology.

brief sentences, repeated the expressions of apology heretofore tendered by him to the house, and expressed his earnest desire that no censure should fall on the gentleman from N. C. (Mr. *Stanly*).

Mr. *Stanty* said: Mr. Speaker, I feel compelled to say a word. And now, sir, after what has been said by the gentleman from Virginia, (Mr. *Wise*), I am at liberty to say more than I hitherto stated.

In the remarks I made which gave offence to the gentleman from Virginia, nothing was further from my thoughts than any design to give offence. I have never in the course of my life, in public or in private spoken more sportively than I did in the remarks I made, which seemed, most unconsciously to me, to offend the gentleman. I was never in a better humor. Sir, there are circumstances in connection with this affair which I do not feel willing to reveal. Let it pass.

Mr. Speaker, I have uniformly in public and in private, spoken of the gentleman from Virginia in the terms of commendation which his services justified and required. My public speeches show it. Yes, sir, I have defended him while some now seeking favor have vilified him. The harshest remarks I ever made of that gentleman were in his own chamber, when he and I were alone, face to face, as gentlemen ought to speak. I will say no more on this part of the subject.

I most deeply and sincerely regret, Mr. Speaker, that my name should be associated with the recollection of such an occurrence. But I cannot help it.

I do, however, object, if the house will pardon me for saying so, that there should be any appearance of a disposition on the part of this house to censure in the report. I have asked the chairman of the committee, (Mr. *Ingersoll*), if the report reprimanded me. He answered me, "I do not know." I asked if the committee intended to reprimand me. He said he could not tell: each man who reads must judge for himself." This I understood the chairman to say. Now, sir, my constituents will not know whether they are reprimanded or not. This will place me in the most painful situation.

I am accountable to my constituents, from whom I have received greater honors and more favors than I can adequately thank them for. I am, above all things, anxious to secure their good opinion. If all report goes to them, it will support me, and reprimand me, no location in saying, Mr. Speaker, that my mind is made up. If I am reprimanded by this house, my resignation of a seat on this floor is immediately placed in your hands. I would not sit here one hour after such a vote. I should return home, to the honest men by whose authority I have been asked to seek a reelection, a purification at their hands, before I took my seat again. No, Mr. Speaker, if I thought there was one member on that committee with whom I have been associated for years past who thought I deserved to be reprimanded, I would not hold my seat here. I attained the distinction of being here by honorable means, at the hands of honorable men. I came in the ardent hope of being able to serve my country and promote the interests of North Carolina. I intended, at every hazard, at all risks that I am able to encounter, to give up the high trust confided to my hands without just cause for censure or reproach. I am beyond express since anxious that no man of mine should be a blurb on the cheek of any North Carolinian. I had rather perish than cast a reproach on the name of my native state. Yes, Mr. Speaker, I have an honest name of my own, which was transmitted to me pure and unsullied, and which shall pass from me untarnished. Let not the house, therefore, by passing this strange report, appear to reprimand me. Such, I am aware, cannot be their design. I am not beseeching favor of the house—I have none to ask. I demand justice for my constituents—for my state.

Afterwards when several gentlemen had spoken, Mr. *Stantley* said he desired to say that he hoped his friends from Tennessee, (Mr. *Johnson*), had been urged upon the house the propriety of adopting rigorous measures towards the gentleman from Virginia. Mr. *Stantley* said he was satisfied that the house did not approve the report of the committee. No one seemed to think, or had said, that he, (Mr. *S.*) ought to be reprimanded, or that any expression of good feeling which had been used by the gentleman from Virginia. He did not wish the house to punish the gentleman from Virginia; he had made ample apologies to the house, which Mr. *S.* hoped would be satisfactory. Mr. *Stantley* had intended to say this when up before, but under the excitement of the moment forgot it. He, (Mr. *Stantley*), would be satisfied to have the report recommitted, as proposed by the gentleman from Virginia, (Mr. *Stuart*), as the house had refused to concur in it. All, (said Mr. *Stantley*), that I have to ask of the house is, let me return to my constituents with my shield, or my no shield. The previous question was moved and seconded. The main question, (being on recommitment with instructions), was ordered, and, being taken, was decided in the affirmative: yeas 104, yeas 56. So the report was recommitted with the instructions.

Mr. *Cathoun*, from the select committee on the rules, made a long report, (not read), which was laid on the table and ordered to be printed.

A message was received from the senate, by Asbury Dickens, esq. secretary, stating that that body had passed the resolution of this house for the final adjournment of congress, with an amendment.

This amendment simply strikes out the hour leaving the day as fixed, and with Monday the 21st of August. The house took up and considered the amendment, and concurred in it.

Mr. *Randolph*, from the committee on enrolled bills, reported that the committee had examined the bill

repealing the 6th section of the act of 1838, making appropriations for the military academy, and also the bill in relation to duties and drawbacks, and had found the same to be correct.

Whereupon the said bills received the signature of the speaker.

A message was received from the president of the United States by the hands of John Tyler, jr. esq. his private secretary, informing the house that the president had signed the following bills:

A bill providing for repairing the Potomac bridge.

A bill making appropriations for the salaries and outfits of diplomatic agents.

A bill making appropriations for the purchase of ordnance and ordnance stores.

A bill in relation to duties on drawbacks.

A bill relating the sixth section of the act of 1838, making appropriations for the military academy.

And, at a little before three o'clock the house adjourned.

MONDAY, SEPT. 13. Mr. *Stantley* offered a resolution providing that the messenger of the house should furnish the vehicles required for the service of the house.

After some remarks from Messrs. *Floyd*, *Hopkins* and *Stantley*, the resolution, being objected to by Mr. *Hopkins*, was not received.

Mr. *Miller*, of Missouri, asked leave to present a resolution calling on the secretary of war for information as to fortifications intended for the defence of our western frontier.

Mr. *Morgan* objected. "The resolution calls on the secretary of war. We have no secretary of war now."

Mr. *Graham* moved a call of the house, on which the yeas and nays were ordered. The call was ordered. Yeas 52, yeas 23.

Before the calling of the roll was completed, Mr. *Fillmore* moved that further proceedings in the call be suspended. Agreed to, so the call was suspended.

Mr. *Errett* offered the following resolution, which was adopted:

Resolved, That a committee be appointed on the part of this house, to join such committee as may be appointed on the part of the senate, to wait on the president of the United States, and notify him that, unless he may have other communications to submit to the two houses of congress, he is ready to adjourn.

And the speaker announced Messrs. *Errett*, *Ward*, and *Lewis Williams*, as the committee on the part of this house.

Various resolutions were offered, which were not received.

Mr. *John C. Clark* suggested that the house should take a recess until 5 o'clock, having no business before it.

Mr. *Adams* said that when the joint committee appointed to wait on the president had returned and should inform this house that there was no further objection to its legislative action, the house could adjourn without waiting for the senate. This had been done heretofore.

On motion of Mr. *Lewis Williams*, the house took a recess until twelve o'clock, M.

At twelve o'clock the house (or the skeleton thereof which was left) was again called to order by the speaker. And the following was read, a message from the senate, by Asbury Dickens, esq. secretary, stating that the senate had postponed indefinitely the joint resolution of this house in relation to the prices of public printing in the departments.

Also, that the president of the United States had informed the senate that he had approved and signed the joint resolution in relation to the purchase of water-tight hump.

And then, on motion of Mr. *Errett*, the house took a further recess until 5 o'clock this afternoon.

The speaker resumed the chair at half past five o'clock.

A message was received from the senate, by Lewis H. Dickens, esq. clerk, informing the house that the senate had concurred in the resolution of the house, providing for the appointment of a joint committee to wait on the president of the United States and notify him that, unless he had other communications to submit to the two houses were ready to adjourn, and that the senate had appointed a committee on their part.

The speaker remained in the chair, and the house unoccupied for about an hour.

When Mr. *Marshall* rose and inquired of the speaker whether it was in order at this time to submit a proposition of any kind?

The answer of the speaker did not reach the ear of the reporter, but the members with great unanimity, called upon Mr. *Marshall* to proceed.

Mr. *M.* then moved that 5,000 extra copies of the second vote message be printed.

In presenting this motion, Mr. *M.* addressed the house for an hour and fifteen minutes in a severe review of the political course of the president of the United States, especially with reference to the second bank bill; and on the general condition and prospects of the whig party.

Having concluded his remarks, Mr. *M.* withdrew the motion to print.

After which Mr. *Errett* rose and said that the joint committee appointed to wait on the president of the United States and inform him that the two houses were ready to adjourn, if he had no further communication to make, had performed their duty, and had been requested by the president to say that he had no further legislative communication to make to congress.

Whereupon, at a quarter before 8 o'clock, on motion of Mr. *Ward*, the house adjourned sine die.

COMPLETE LIST OF ACTS

PASSED AT THE 1st SESSION OF THE 27TH CONGRESS.

An act making appropriations for the present session of congress.

An act authorising a loan not exceeding the sum of twelve millions of dollars.

An act for the relief of Mrs. Harrison, widow of the late president of the United States.

An act making appropriation for the pay, subsistence, &c. of a home squadron.

An act making further provision for the maintenance of pauper lunatics in the District of Columbia.

An act to amend an act entitled "an act to incorporate an act entitled 'an act to incorporate the Mechanic Relief society of Alexandria.'"

An act to repeal the act entitled "an act to provide for the collection, safe-keeping, transfer and disbursement of the public revenue," and to provide for the punishment of embezzlers of public money, and for other purposes.

An act to provide for the payment of navy pensions.

An act to establish a uniform system of bankruptcy throughout the United States.

An act further to extend the time for locating Virginia military land warrants, and returning surveys thereon to the general land office.

An act to authorise the recovery of fines and forfeitures incurred under the charter, laws and ordinances of Georgetown, before justices of the peace.

An act to revive and extend the charters of certain banks in the District of Columbia.

An act in addition to an act entitled "an act to carry into effect a resolution passed by the United States and the Mexican republic."

An act to amend the act entitled "an act to provide for taking the sixth census or enumeration of the inhabitants of the United States," approved March third, one thousand eight hundred and thirty-nine, and no amendment the same.

An act making an appropriation for the funeral expenses of William Henry Harrison, deceased, late president of the United States.

An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights.

An act making appropriations for various fortifications, for ordnance, and for preventing and suppressing Indian hostilities.

An act to provide for placing Greengrass statute of Washington in the rotundo of the capitol, and for expenses therein mentioned.

An act authorizing the transmission of letters and packages to and from Mrs. Harrison free of postage.

An act to make appropriations for the post office department.

An act making an appropriation for the purchase of naval ordnance and ordnance stores, and for other purposes.

An act making appropriations for outfits and salaries of diplomatic agents, and for other purposes.

An act to provide for repairing the Potomac bridge.

An act relating to duties and drawbacks.

An act to repeal a part of the sixth section of the act entitled "an act to provide for the support of the military academy of the United States for the year 1838, and for other purposes," passed July 7, 1838.

JOINT RESOLUTIONS.

A resolution relating to the lights now stationed at Sandy Hook and Bartlett's Reef.

A resolution for the distribution of seven hundred copies of the Digest of Patents.

A resolution to provide for the distribution of the printed returns of the sixth census.

A resolution in relation to the purchase of domestic water-rotted hemp for the use of the United States navy.

Joint resolution making it the duty of the attorney general to examine into the titles of the lands or sites for the purpose of erecting thereon armories and other public works and buildings, and for other purposes.

POSTSCRIPT—FOREIGN NEWS.

The Great Western reached New York on Thursday, in 15 days and 8 hours, bringing 110 passengers and London dates to the 31st ult. The weather had proved very fine—crops improved of course—free wheat was 6d. a bushel cheaper—harvest was fairly progressing in southern countries. Harvest in France very promising.

Parliament was in session. After four nights debate the majority against the whig ministry was 72 in the house of lords, and 91 in the commons, and they of course resigned. Sir Robert Peel was forming the new ministry, in which it is said the duke of Wellington will be included. Resolutions had been offered in parliament in relation to the McLeod affair, which induced Lord Palmerston to announce that the positions assumed by Mr. Webster in that case was entirely satisfactory to the British government, which was received with loud cheers.

CHRONICLE.

BANK ITEMS. The Western bank of Georgia, at Columbus, has been closed, the teller having run off with \$75,000 of its funds.

U. S. B. OF PA. On the 10th inst, 1,020 shares of this bank were sold on the New York exchange at from 86 1/2 to 87. At Philadelphia sales were made the same day at 87 1/2. Sales since have been made at the same rates.

BROWN UNIVERSITY. The Bro. John Brown Francis has been elected chancellor of Brown university, in place of Samuel Brodhead, deceased. Rev. Barnes Sears, of Newton, was chosen a member of the board of fellows, and the rev. Edward B. Hall, a member of the board of trustees.

CROCK. The Tallahassee Floridian represents the crop, in this State, in danger, to be very fine in the present. Prices continue to rise in the Baltimore market at 64 1/2 cents. It is quoted in the late Charleston, S. C. papers at about the same rates.

COTTON. 5,100 bales sold at New York last week at prices 1/2 cent lower than before the arrival of the steamer. At Charleston we notice a decline of 1/2 to 1 cent for the crop. In Florida is represented to be very promising.

"THE DUER-SLAYER, or the First War Path," a new novel by Cooper, has been published by Lee and Blanchard, Philadelphia. It represents Leatherstocking in his young days.

DEATHS. Amongst the obituary notices that have reached us during the week is *J. B. Bechewell*, the principal clerk of the Mannu nation, who died on the 13th ult, at his residence on the St. Mary's river, near Fort Wayne, Indiana. He was about 50 years of age. He left about \$20,000 in specie, besides immense quantities of very valuable real estate, which by will he has left to be divided among his relations.

At West Point, on the 9th inst. in the 16th year of his age, Cadet *Thomson F. Mason*, son of the late Judge Thomson F. Mason, of Alexandria, a highly promising and estimable youth.

"Is this pil'd art thou being's passless mound?
Toll me, cold grave! death with poppies crown'd?"
On the 11th inst. at Washington, *Thomashead Dade*, late a Captain of U. S. Dragoons.

At New York on the 12th inst. general *Robert Rogers*, of that city—an old and eminent citizen, who has filled offices of trust and distinction.

ELECTIONS. We have at length received a full list of the senators and representatives elected in the state of Indiana. The following are the names of the electors: Van Buren and 4 whigs—and the house 53 whigs and 47 Van Buren—giving the whigs a majority of one on joint ballot.

St. John's Island has returned a large majority of whigs to both branches of the legislature.

From Vermont sufficient returns have been received to render it probable that no election has been effected of either governor, lieutenant-governor, or treasurer, there being three regularly nominated tickets—viz. Van Buren and abolition. The legislative houses divided are whigs in both branches. So far as heard from for the senate 19 whigs, 7 Van Buren and 4 doubtful; for the house 11 whigs, 71 Van Buren, and 6 no choice; the vote for governor stands FAINE 15,571; SMITH 15,343; HITCHCOCK, abolition, 2,189.

From Missouri sufficient returns are received to render it certain that the present whig governor Kent, is defeated, and that there will be Van Buren majorities in both houses.

An election for three members of the state legislature, from the city of New Orleans, to fill vacancies, has been held in the choice of Manuel Duques, George K. Rodgers and E. A. Canon. The first two whigs, and the last a V. B. There were five other candidates.

At New York on the 12th inst. at New York, on the 7th inst. There were two candidates for mayor, viz. Jacob J. Mintz and Henry L. Pinckney. The

former was chosen, and all the members of the old council who were candidates are re-elected.

EXCHANGE. At New York bills on London \$1 a 95; on France 5120a23 1/2 domestic exchange continues, with very slight variations, as last quoted in the Register.

FLOUR in the New York market \$6 57 1/2—but the transactions are light, buyers and sellers both waiting for a favorable change. The market for the wheat delivered from the Erie canal, during the first week in September, at the places named below, is as follows, viz:

	brls. flour.	bush. wheat.
Schenectady,	316	34
West Troy,	15,724	15,620
Albany,	31,205	29,332

Total, 47,215 29,332
The amount of toll received at the canal collector's office in this city, for the last week Sept. was \$12,460 38
Last year, \$4,500 22

Increase, \$4,160 16
At Baltimore inspections last week 19,675 brls. and 537 half brls.—Prices rose from 86 1/2 to 87, on receiving the news by the telegraph, that 100,000 bushels of wheat, by the end of the week. This week it has received and may now be quoted at from 86 50 to 86 75, according to quality. *Lafayette.* The news just received by the Great Western will depress prices very considerably.

GRAIN IN PENNSYLVANIA. Pennsylvania last year produced 1,000,000 bushels of wheat, and 40,000,000 bushels of coarser grain.

IMPRISONMENT OF MR. CROSS AT MONTANA. Our public journals have inserted under the caption of "OUR RAGE," an account of the imprisonment of an American, erroneously represented to be a United States consul, by the Indians at Montana. We learn from the *Monticlerian*, that Mr. Cross is neither a consul nor vice consul of the U. States though some time since he was on an occasion selected by Mr. COVETS, the U. States consul to be for him, during an absence from his station, but Mr. Cross is neither recognized by the Spanish nor American government as filling any official station, and therefore is not entitled to other protection than as an American citizen, which would by no doubt be promptly exercised to him.

BENJAMIN LITTLE the notorious desperado who created so much disturbance on the Canada frontier, and for whom the governor of New York had offered a reward of \$2000, having been sentenced for seven years to the penitentiary. He was taken at Buffalo on the 6th inst. after a stout resistance. The *Evening Journal* says, he is a man of indomitable enterprise and daring. Having embarked with Mackenzie in the contemplated voyage to the North Pacific, and when his brother was shot, and his sister outraged by soldiers. This was enough to make a man desperate—he determined to live henceforth for revenge. After his escape from the rail road car on his way to prison, he returned to Canada, where he held up the Welland and Brock's mail trains. On the Saturday night before he was arrested in Buffalo, he was in Canada, maturing a plan to blow up a war steamer.

THE GEOLOGICAL INSTITUTE IN BOSTON. The directors among other measures to fulfill the wishes of the testator, have resolved to employ a learned and able geologist, to give courses of lectures there. Mr. Lyell, the celebrated geologist, who arrived a month or two since, came upon this mission, and is to deliver twelve lectures on geology at the new institution. The liberal sum of \$300 is to be paid him; the same sum is offered to professor Faraday and Owen to undertake the voyage and task. Mr. Faraday declined, and Owen has not fully determined.

GOLD MINES. The Charlotte (North Carolina) Journal says, that persons engaged in mining have discovered a vein on the lands of Thomas Flow, on Clear creek, about 14 miles east of this place, which is very rich. The vein is about one foot wide. Some of the ore taken out will weigh between two and three thousand dollars per bushel.

MCLEOD. A variety of rumors were about a few days since, to the effect, that Mr. For had received instructions to urge once more the release of McLeod, and in case of his being subjected to trial, to demand his passport.

There has been some excitement in the state of New York, produced by a different rumor. The Utica Democrat says: "On the 27th, letters were received by the principal judges of the common law, the governor and the secretary of this state, informing them that authentic information had been received at the seat of government that a body of about three hundred men from Canada were at rendezvous on the evening of the 27th, and were about to march on the river shore of the state, to the town of Marcy, adjoining Wisconsin, and upon the north side of the Niagara, and would make an attempt to rescue McLeod and conduct him to Canada. The sheriff of the county called on the militiamen, mustered all the volunteers in the place, shot the guns, and then placed a guard around the jail. He also sent to Utica, and procured more arms and ammunition, and the armory, but the attempt was made to be expected, and no trace of the invaders has been discovered."

NEW ORLEANS. Deaths on the 1st instant, 11, of which 11 by yellow fever. On the 2d, there were 35 deaths, of

which 20 by yellow fever. On the 3d there were 28 deaths, 19 of which by yellow fever. On the 4th, 16 deaths, of which 9 by yellow fever. On the 5th and 6th, there were 20 deaths, of which 28 were by yellow fever. 26 patients reported in the Charity hospital. On the 7th instant, 25 deaths occurred, of which 22 were of yellow fever.

SPECIAL. The packet ship *Montreal* sailed, from New York on the 11th instant, with \$136,712 in specie, for Liverpool.

The amount of specie exported from New York to Europe during the first two weeks of the present month of September, according to a statement in the N. York American, was \$718,143—of which \$267,739 went to Havre, and \$150,704 to London.

MR. STEVENSON American minister at London, expects to sail for the United States on the 4th October.

STEAM SHIP. A large steamship, called the *Precursor*, upwards of 1,500 tons burthen, and with two engines of 500 horse power, is advertised to leave Southampton (Eng.) on the 1st October, for Calcutta. She is expected to make the passage, including stoppages, in 70 days. This ship is intended for a packet between Calcutta, Madras, Ceylon and Suez.

The *Builder* *Hub Aurora*, Boston, says that Mr. Chas. Keuten is now in that city, acting as agent of the "Brethren and United States Steamship Company," in connection with steamships between Bremen and the United States touching at the Isle of Wight, or perhaps some port in England. They have already obtained the necessary funds, and are ready to commence the construction of the first ship. Mr. K. has been in New York, with a view to ascertain what accommodations he can obtain there, and is now pursuing similar investigation at Boston.

STEAMSHIP ITEMS. The steamer *Acadon* on her way from St. Louis to Genoa, struck a rock, and was driven off Geneva Island on the 30th ult. and sunk instantly. It has been stated that twenty passengers were found but later intelligence renders it questionable whether any lives were lost.

The steamer *William Paria*, from New Orleans, with a full cargo, struck a snag at Grand Chain, and is a wreck.

The new steamer *Chief Magistrate*, on her first trip from New Orleans to Genoa, was totally lost at Island 65, having struck a log at 12 o'clock, on the night of the 28th ult. She had on board a full cargo of freight, and only a small part of the engine and cabin furniture will be saved.

The *Germ*, Lieut. Hunter's experimental steamboat, having passed up the Hudson and through the New York canals to the lakes, and back again, to the admiration of all who witnessed the performance of her new method of propelling, reached Baltimore by way of the Chesapeake and Delaware canal, in thirteen hours from Philadelphia. We met her on Wednesday "n thing of it" upon the brand Chesapeake, steering for Norfolk.

TEA. 6,995 packages of tea were offered and 5,509 of them sold at New York, on the 15th inst. super. Prices ranged from 10 to 17 for hyson; young hyson 71a8 1/2, 70, 40a12; hyson skin 46a1a5; black 50a56 1/2; superior Oolong 81 1/2.

TABACCO. The inspections of the last week in Baltimore consisted of 1,265 hogsheads Maryland; 322 Ohio and 10 Virginia, total 1,587 hogs. So large an influx effected the market slightly. The principal sales were at 83 to 6 25. Common Maryland 83 50 to 1 30; middling to good 55 to 7 50 good 83 to 5 50; fine 89 to 13. Ohio tobacco is neglected at present—prices as in our last quotations.

The Philadelphia Ledger says: Charles Eschenwien a tobacco merchant, well known in this city and New York, has recently absconded or gone to Europe, with all the funds of two commercial houses—one in this city and one in New York—amounting to \$100,000. It is stated, it is stated, will not fall short of one million of dollars. The principal losses will fall upon the partners. The principle cause of Eschenwien's rascality is said to be an enormous debt of \$100,000, which he had contracted, which had led him into extravagances that squandered his own and the means of others.

VINTAGE IN FRANCE. The grapes in France generally, are this year more than usually abundant. Scarcely have the vines been more heavily laden, but there is little hope that they will ripen in good season.

WASHINGTON COLLEGE. (Harford) has received a legacy of \$2,000 from the estate of J. Marks.

WHEAT. Sales were effected for a day or two, in Baltimore last week at 81 38 to 1 49—but all again to \$1 30 a 1 48 at Baltimore, Ohio 81 12.

WOLLS. Prices in Baltimore range from 35 to 42 for middling grades; prime Saxony fleece 50 cents at 42 months.

Wool in Australia. In 1807 the whole quantity of wool produced was 245 pounds—in 1820, 10,428 7/8 lbs. equal to 40,460 bales. The wool of the present season, bringing a return to British subjects of nearly 41,000,000 sterling, which otherwise would have gone to foreigners.

YELLOW FEVER is severely visiting Lafayette, Louisiana. The number of interments during the week ending 2d instant is 28, of which 17 by the fever. In one spot containing seventeen houses eleven deaths occurred.

NILES' NATIONAL REGISTER.

FIFTH SERIES.—No. 4.—VOL. XL]

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THE PAST—THE PRESENT—FOR THE FUTURE.

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NILES' NATIONAL REGISTER.

We were not a little astonished a few days since, upon opening a letter from one of our oldest subscribers, of the interior of the state of New York, to find, as a reason assigned by the writer for discontinuing to receive the Register in numbers, and preferring to have it hereafter in volume, that "the Register having ceased to be the champion of American interests and industry, and become the advocate of fallacious free trade doctrines, which if carried out, would involve the better part of the confederacy in irretrievable ruin—it has lost its interest and value to me, except for historical reference."

The difficulties incident to the period which has transpired since we have had charge of this publication, and those which we had to encounter in bringing into order an establishment that in all its ramifications had become exceedingly deranged, has prevented our attempting to indulge much in editorial remarks—but certainly, such as we have adventured, have generally been in relation to what we consider one of the most interesting topics that is likely soon to occupy the attention of the people of this country—THAT OF THE FREE CONDITION AND PROSPECTS OF FOREIGN TRADE; for the maintenance of a fair share of which, we apprehend there is about to be a very ardent struggle between this country and both England and France, and we have considered it a duty frequently to call attention to the subject; and by selections of official and interesting articles, to furnish our readers with the best data wherewith to form opinions. How any reader of the Register could have reached the conclusion that the publication had ceased to be "the champion of American interests and industry, and become the advocate of fallacious free trade doctrines?" we are utterly at a loss to imagine; and can only account for a continuance of such an impression, by the avowal that the numbers, instead of being read, had been laid by, as they came to hand.

True it is, that as an abstract proposition, the United States has a right to claim to be considered the foremost and warmest friends of "free trade"—having, from the days when BENJAMIN FRANKLIN, the first diplomatic representative of this country in Europe, proposed an equitable intercourse with the various governments of that quarter of the world, up to the formation of the present government, when THOMAS JEFFERSON, the first secretary of state, took the attitude that it comporting alike with our honor and our interest as a nation to extend "free trade for free trade," and to "meet restriction by restriction,"

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with every country with whom we had intercourse; and from thence up to the day of the date hereof, been the first to propose, and the last to adhere to an intercourse with one and all, which, according to the tenets of the strictest sect of "free trade" professors, should open the widest latitude between man and man, and least obstruct the transfer of any thing whatever, from those who *have* to those who *want*. The people of the United States have resources ample—abundant resources, that not only enable them to be as liberal in this direction as any people upon earth, but which, if others would fairly allow us the use of the under the sanction of a "free trade" within their dominions, we would trust to keeping the *balance of trade* just where it ought to be; but after having for years and years practised upon the mistaken maxim of allowing free trade to those from whom we meet with interdiction, until the system has brought ruin, wide spread and almost universal, over the land; surely, with all these proofs, if any may boast of being friends to free trade, "we more," as Paul said to the Jews. Let any other government adduce equal pretensions, and we still maintain that it comports alike with our character, our practice and our interests, to go as far as those who go the furthest for "free trade." But we mean by "free trade"—"free trade" for ourselves, *with others*, as well as free trade to *others*, with us. And if it be not accorded, we are for meeting "restriction with restriction," measure for measure, with the proudest of them. And we believe this to be the *only certain method* of maintaining our fair share of the commerce of the world—of equalizing the balance of trade, which our mistaken indulgence to foreign powers has so long operated to keep against us—or of insuring domestic prosperity, which has so severely suffered from the contrary course.

Such, in brief, are our notions as to "free trade." Let England, or let France, give us "free trade" for our products—and here goes for "free trade" with them, or either of them. But we are tired to death of travelling that road "solitary and alone," and have severely and sufficiently paid the price of generous support to the abstract principle for the present. If self-interest is to be the rule with others, as the Tories and voters of England have recently decided it shall be on their part, we are for trying how it will work for our country, and are now and always have been the advocates of "restriction for restriction" in practice, as well as of "free trade" in theory.

Since the above remarks were placed in type, we have received, from the interior of Pennsylvania, a letter from *another of our subscribers*, whose view of our editorial course is certainly in striking contrast with that of our friend noticed above. After a very complimentary introduction, speeded, too, with a *substantial* evidence of his kindness, the writer proceeds:

"I have the REGISTER from 1811 to 1836—including all the numbers published by the elder Mr. Niles—neatly bound in volumes, and would like to have the residue from that to the present time, in the same convenient form. Now, I have a request to make:—Will you be so obliging as to inform me—if I send on

* We insert this inquiry, having received several such lately for the purpose of notifying all our subscribers, that we can complete their sets of the new series, having surplus numbers of every volume on hand, from vol. 31 up, and we earnestly urge all our subscribers to complete their files. To such as wish us to favor sets bound for them, we tender our services; the charge will be what the binders charge us—75 cents per volume in boards, leather back and double lettered; one dollar full bound.

all the numbers I have, including those published by William Ogden Niles, (and some of both series are missing, having never come to hand, but not many)—whether you will make them complete and have them bound for me, and at what charge? In doing which, you will greatly oblige a friend and well-wisher to the cause you sustain—your country's cause, and every man's cause. But the blind cannot see, and the deaf cannot hear—but a crisis is near at hand, and woe be to him who cannot feel!!!

"I think the publication of Sir R. Peel's speech, on the British system of policy towards other nations, and particularly America, was very reasonable, and may do a great deal of good. The speech was a very candid one, and may serve to wipe the scales from the eyes of some of our politicians who have made so much noise, and appear to be quite bewildered in their schemes to regulate the currency. Regulate the currency! What folly—talk of regulating the currency of the country. Men cannot think, or they would see their error—their infatuation would vanish, and they would begin to do, to act upon, something real, and give us a strong protective tariff as the ground-work of any sound and permanent currency that we ever will or can have—the produce of our own labor, not material whether we have bank notes or the precious metals, or both, so that we have our own markets at home and a market abroad wherever we can find it, for the surplus. Honest men might then, under the blessing of Heaven, live in some security and comfort, instead of being jostled to and fro by every adverse breeze that crosses the ocean.—And I must repeat that I think it utterly impossible for congress to adopt any scheme that will permanently regulate the currency, whether by banks, fiscal corporations, or even gold and silver—alone or altogether—while all the nations of the world are left free to flood us with their cheap goods, and sweep every dollar from our board at their pleasure. What other nation or people under Heaven could so long withstand such impolicy as this? We have been wont to boast of being the most enlightened people of the age! When this shall be realized, I think we shall justly claim the honor of having been the most placid and most enduring, in swallowing the humbugs of modern England."

Another of our subscribers, residing very near the latitude and longitude of the one whose letter is first noticed above, and who writes by the last mail for some missing numbers to complete his file, adds—

"I consider the Register invaluable. It makes a book without which no intelligent man's library is full, and I am exceeding anxious to obtain it all perfect to this time, and continue it so while it maintains its present truly elevated character. * * * My anxiety for these numbers is increased from the fact that I have at considerable expense purchased the Register bound, perfect from 1821, and I never could feel reconciled to the loss of these numbers."

DUTY AND EXCHANGE. A friend writes us from Pennsylvania, 20th inst. "I observe in your paper of the 4th inst. the calculation of duties on flour, &c. in England, is upon the basis of \$4 44 to the £ sterling. If I am correct, there should be 10 per cent. added to the amount there given, since the actual worth of the pound sterling is about 70-100 above the nominal price as taken by the brokers, or there is about 9-100 difference between the rate of \$4 44 of the broker's and \$4 80 as established by congress, a few years since."

FOREIGN ARTICLES.

In a postscript in the last REGISTER we gave the outlines of the information brought by the Great Western—since which, by the arrival of the Calcutnia, at Boston, London dates to the 4th instant have been received. The weather continued favorable for harvesting and the price of breadstuffs was still declining. Cotton remained unchanged, notwithstanding heavy failures had occurred in both Liverpool and Manchester. Business was exceedingly dull.

GREAT BRITAIN.

Parliament met *pro forma*, on the 19th ult. when the queen's speech was delivered, by commission, but business did not commence until the 24th.

HER MAJESTY'S SPEECH.

"My lords and gentlemen. We are commanded by her majesty to acquaint you that her majesty has availed herself of the earliest opportunity of resorting to your advice and assistance after the dissolution of the last parliament.

"Her majesty continues to receive from foreign powers gratifying assurances of their desire to maintain with her majesty the most friendly relations.

"Her majesty has the satisfaction of informing you that, the objects for which the treaty of the 15th of July, 1840, was concluded between her majesty, the emperor of Austria, the king of Prussia, the emperor of Russia, and the emperor of the Netherlands, have been fully accomplished, and it is gratifying to her majesty to be enabled to state that, the temporary separation which the measures taken in the execution of that treaty created between the contracting parties and France has now ceased.

"Her majesty trusts that the union of the principal powers upon all matters affecting the great interests of Europe, will afford a firm security for the maintenance of peace.

"Her majesty is glad to be able to inform you that, in consequence of the evacuation of Ghoriban by the Persian troops, her majesty has ordered her minister to the court of Persia, to return to Teheran.

"Her majesty regrets that the negotiations between her plenipotentiaries in China and the Chinese government, have not yet been brought to a satisfactory conclusion, and that it has been necessary to call into action the forces which her majesty has sent to the China seas; but her majesty still trusts that the emperor of China will see the justice of the demands made by her majesty's plenipotentiaries have been inclined to make.

"Her majesty is happy to inform you that the differences which had arisen between Spain and Portugal, about the execution of a treaty concluded by those powers in 1830, for regulating the navigation of the Douro, have been adjusted amicably, and with honor to both parties, by the aid of her majesty's mediation.

"The debt incurred by the legislature of Upper Canada, for the purposes of public works, is a serious obstacle to further improvements, which are essential to the prosperity of the united province. Her majesty has authorized the governor general to make a communication on the subject to the legislative assembly of the United Provinces, which will direct the aid to be laid before you, and trusts that your earnest attention will be directed to matters so materially affecting the welfare of Canada and the strength of the empire.

"Gentlemen of the house of commons: We have to assure you that her majesty relies with entire confidence on you loyalty and zeal to make adequate provision for the public service, as well as all the furtherance of sums granted by the last parliament.

"My lords and gentlemen: We are more especially commanded to declare to you that the extraordinary expenses which the events in Canada, China and the Mediterranean have occasioned, and the necessity of maintaining a force adequate to the protection of our extensive possessions, have made it necessary to continue the means of increasing the public revenue.—Her majesty is anxious that this object should be effected in the manner least burdensome to her people; and it has appeared to her majesty, after full deliberation, that you may, at this juncture, properly direct your attention to the revision of the duties affecting the productions of foreign countries. It will be for you to consider whether some of these duties are not too taxing in amount as to be unproductive to the revenue, while they are vexatious to commerce. You may further examine whether the principle of protection, upon which some of these duties are founded, has not carried to an extent injurious alike to the income of the state and the interests of the people.

"Her majesty is desirous that you should consider the laws which regulate the trade in corn. It will be for you to determine whether these laws do not aggravate the natural fluctuations of supply; whether they do not embarrass trade, derange the currency, and by their operation diminish the comfort and increase the privations of the great body of the community.

"Her majesty, feeling the deepest sympathy with those of her subjects who are now suffering from distress and want of employment, it is her earnest prayer that all your deliberations may be guided by wisdom, and may conduce to the happiness of her beloved people.

It will be perceived that no mention is made, in the speech, of the United States. The revenue of the kingdom is inadequate to the expenses of government, and further exactions are required. The corn laws are mentioned as being oppressive.

Upon assembling next day, the speech was again read in the house of lords. Earl Spencer spoke ably in defence of his views, and moved the address which was a mere echo of the sentiments of the speech. The marquis of Clanricarde followed in its support.

The earl of Ripon rose in reply. In concluding he moved an amendment to the address, of which the following is the pith:

"That we feel it to be our duty humbly to submit to her majesty that it is essential to the satisfactory results of our deliberations upon these and other matters of public concern, that her majesty's government should be enabled to command the confidence of the house of commons, and respectfully to represent to her majesty that that confidence is not reposed in the present advisers of her majesty."

The debate was continued with spirit by Earl Fitzwilliam, Lord Lyttleton, Viscount Melbourne, Lord Brougham, Lord John Russell, Lord Lansdowne, and by the dukes of Wellington and Richmond, and the earl of Coventry, for the amendment. Lord Brougham closed the debate in a powerful argument for a revision of the corn laws, criticising the past course of ministers, but supporting the address. The vote was then taken and declared.

For the address

For the amendment

96

168

Majority for the Tories

72

The lords then adjourned to Friday.

On the house of commons, the address in echo to the queen's speech was moved by Mr. Mark Phillips in a strong speech, briefly seconded by Mr. John Dumas. Mr. S. Wortley (the new tory member from the great West Riding of Yorkshire, who turned out Lord Morpeth), rose in opposition, and spoke powerfully in favor of the confidence of the house of commons in the ministers. He concluded by moving the following amendment:

"That the house begged most humbly to represent to her majesty that they observed, with great concern, that the public expenditure of the country for several successive years had exceeded the annual income, and begged to assure her majesty that they agreed to the necessity of adopting some measures for the purpose of remedying so great an evil; but, in deciding upon the course which it would be advisable to pursue, especially with respect to the laws relating to trade and commerce, it would be their purpose to desire to promote the welfare and to protect the interests of all classes of her majesty's subjects. That they deem it their duty, however, to state to her majesty that it was essential to the satisfactory result of their deliberations in this and in all other concerns, that her majesty's government should possess the confidence of the house of commons, and humbly to represent that that confidence is not reposed in her majesty's present advisers. To assure her majesty that in the gracious expression of her majesty's sympathy with the distresses of the suffering poor, which that house recognised as an additional proof of her tenderness, with which her majesty was distinguished, and that the house cordially joined in her majesty's prayer that all their deliberations might tend to the happiness of the people."

Lord Bruce seconded the amendment in a brief speech. Mr. Labouchere followed in a brilliant admirable defence of the whig ministry. Sir Charles Napier spoke on the same side; Mr. D'Israeli and Lord Pillington in favor of the amendment. Mr. Roebuck made a strong radical speech, blaming the ministers some, the tories more, and justifying the conduct of this country in the case of McLeod. The debate was adjourned.

On Wednesday the debate was continued through the day by Messrs. Ewart, Ward, P. M. Stewart, S. Crawford, Cobden, Brotherton, H. Gratton, Hastie, Dr. Bowring and Lord Wortley for the address,

and by Captain Hamilton and Mr. Bailly for the amendment. At midnight, the discussion was again adjourned.

On Thursday the debaters were Messrs. Gibson, S. O'Brien, Powell, Turner, C. E. Bearing and Wokley, (whigs), and Lord Sandon, Colonel Sibthorp, Messrs. Bortwick, Escot, and Goulburn, (tories).

No question was put.

On Friday the debaters were Messrs. G. Rennie, Wallace, Hindley, Wigges, Howes, M. J. O'Connell, Niliers, D. O'Connell and Lord John Russell for the address, and by Mr. R. M. Milnes, (the poet), Capt. Folkliff, Lord F. Egerton and Sir Robert Peel for the amendment. O'Connell was dreadfully severe on the tories, and Sir Robert Peel replied with equal pungency, remarking that the agitator had abused the whigs even more than he now abused the tories. Lord John Russell closed the debate in a brief and manly speech, defending the policy of his government, condemning the slights made to the whigs, approving the vote of "no confidence" as a proper means of turning out a defeated ministry, and appealing to the party about to come into power to use it for the interest of liberty and the good of the millions of mankind.

The lords then at 2½ o'clock, A. M. divided, and the result was:

For the address
" amendment

269

360

Majority for the Tories

91

Absent, 5 conservatives and 14 whigs.

So the triumph of the tories is complete.

On Saturday, few whigs and only one of the ministers appeared. Mr. S. Crawford moved a further amendment to the address in favor of an extension of the right of suffrage. Rejected: 283 to 39. Sir Robert Peel then moved an adjournment to Monday, which was agreed to.

RESIGNATION OF MINISTERS. On Monday, on the opening of the house of lords, Lord Melbourne rose, amid profound silence, and said—

"My lords, it now becomes my duty to acquaint your lordships, that in consequence of the vote come to by the other house of parliament on Saturday evening, which was precisely the same in terms as that come to by your lordships at an earlier period of the week, I, on the part of my colleagues and myself have tendered to her majesty the resignation of the offices we hold, and which resignation her majesty has been graciously pleased to accept; and we now continue to hold those offices only until our successors are appointed."

In the house of commons, Lord John Russell spoke as follows:

Lord John Russell rose amid the most profound silence to address the house. Sir, said the noble lord, I have now to state to the house, that after the division of Friday night, your majesty's ministers thought it their duty at once to advise her majesty to send the answer to the address adopted by the house, which they have just heard read, and humbly to tender their resignations to her majesty, with a view to the immediate formation of a new administration. Her majesty has been graciously pleased to accept our resignations, and I have to inform the house that we only hold office until our successors have been appointed. Perhaps, sir, the house will allow me on this occasion, and before I make the motion with which I mean to conclude, to state for its information some considerations which I deem it my duty to bring before the house, and which I shall endeavor to make possible to avoid all topics likely to lead to matters of controversy.

We conceived our duty to propose to the last parliament measures in reference to the trade and commerce of the country which we thought essential to its welfare; and obstructions having taken place to the furtherance of these measures, we advised her majesty—as soon as the business of the session would admit of it—to resort to the measure of a dissolution of parliament. That dissolution having taken place, we advised that the new parliament should be summoned to meet on the same day, and on this occasion we have advised her majesty to submit measures of the same nature, and ask the opinion of this parliament respecting them. It has pleased the house of commons, by a large majority, to address her majesty, stating that her majesty's ministers did not enjoy its confidence. Sir, this declaration we have not the least part to perform, but to resign the offices we had the honor to hold.

I will not now advert to any thing likely to prolong discussion on the past occurrences, further than to say, that in all we have done we acted from our conviction of our duty to our sovereign, and in the full belief of the utility and necessity of the measures which we have thus propounded, as well as from the feeling we entertained of our duty to the people of these countries. These convictions and

persuasions have made it incumbent upon us to continue the struggle for these measures up to the present moment. (Loud cheers from the liberal benches.) Sir, I have on former occasions justified the course in which we have acted, and I shall be equally ready, in any future debate which may afford the opportunity, to take the same course. It has been our fate now to have held office for a considerable number of years. I will not say that as long as we could use the power we have obtained for the promotion of the cause in which we are engaged, we continued in office. But, this, sir, I will say, that the possession of power in this country is not attended with satisfaction unless it gives ministers the power to carry such measures as they deem to be of essential importance to the welfare of the crown and the people. (Loud cheering.)

I do not mean to allude to particular measures of minor importance, but to those which they deem of greater and transcendent consequence. With regard to such measures, sir, we commenced with the reform act of Lord Grey, and we ended with measures for the freedom of commerce. (Cheers for some time.) With large and important measures we commenced our career as ministers for the crown; and with large and important measures do we conclude. (Renewed cheering.) In pursuance of great objects we have triumphed; so in pursuance of great objects we have been defeated. (Renewed cheering.)

Sir, there are some other objects, with reference to the administration of Lord Grey and Lord Melbourne, on which I should like to address a few observations to the house. Lord Grey enjoyed, in common with his colleagues, great and unexampled popularity; and Lord Melbourne, it occurred, that having been the first minister of the crown to William IV. on his death, he became the responsible adviser of a princess who attained the monarchy of these kingdoms at the earliest opportunity in point of years which the laws of the country declared legal, and it became his duty to give that advice to the crown, which, I may be allowed to say, was always received with the confidence and reliance which, so well became the frank and generous nature of the royal personage on the throne. (Cheers.)

But, sir, neither the great popularity of Lord Grey and his ministers, nor the power and favor enjoyed by Lord Melbourne—neither was in any instance abused. While fault has been found with us in some places, for not proposing measures for the greater security of the crown, that have been proposed, so as to secure our power, it was our invariable desire to preserve entire and untouched the constitution of the country and the prerogatives of the crown. (Cheers.) Sir, having said thus much with regard to the two ministers under whom I have had the honor to serve, I may add, with pride and gratification, I may, perhaps, be allowed to add a few words with regard to the person who has now the honor of addressing you. (Hear and cheers.)

I will not pretend to say that there will not be other persons holding office who will possess larger capacity for the administration of public affairs, and who will bring to that administration more competent intelligence on these subjects—all I venture to say is, that while I was placed in the situation which I have had the honor to hold, no considerations have diverted my attention from the public duties of the office which was entrusted to me, nor from the discharge of those duties, which devolved upon me in connection with this house. I have endeavored, sir, to give every moment I could spare to the discharge of those duties. (Loud cheering from both sides of the house.) With respect to the merits of the measures which I carried into effect, I will not now enter upon any dispute; I wish to assert, is, that I have endeavored to the best of my power, to exercise any abilities which I possessed to serve the country while I have had the honor of hold office. (Cheers.)

Sir, this house has decided at the very commencement of its sitting, that it will take measures for directing the attention of the executive to the measures which I have here specified. I can only say, that I have no objection to the course which you have taken, that although that decision may call upon me for our opposition to measures to which we cannot give our approval, I am sure that in all the future consultations of the house I shall ever be ready to give that advice to the house which I shall deem it my duty to do. (Cheers.) In order to secure to the welfare of the United Kingdom, and to conduce to the well fare and prosperity of the great empire of which this house is the centre. (Hear, hear.) I shall always, whether in or out of office, express to the house my conscientious convictions, whether they agree with the course which is pursued by the ministers of the day, or in any way tend to the improvement of our institutions; never, on the one hand, defending abuses as if they were institutions, nor, on the other hand, ever sacrificing institutions because of the

abuses which may have crept into them. (Loud cheers from both sides of the house.)

Sir, I have only to add, in regard to all with whom for so many years I have had to transact public business in this house whether supporters or opponents, that it is my wish personally to express the hope that in all our future relations no feelings of personal bitterness may be allowed to mingle. (Cheering.) And, sir, if our resignation of office tends to the welfare of the state, I shall be glad to resign. My proposal, I shall look back to the proceedings of this day with satisfaction. The noble lord having moved the adjournment of the house at its rising till Monday, sat down amid loud and long continued cheers.

The great clerical convention at Manchester, for uniting the state of the corn laws, had been held, and is differently judged by different parties. It numbered about 650 clergymen from all parts of the kingdom. To us, it seems a questionable proceeding for clergymen to meet as such, except for the promotion of moral and religious objects—the domain of politics, finances and political economy, belong not to them, for action.

CASE OF McLEOD. The McLeod affair was the subject of debate in the house of commons on the 26th of August.

Mr. Roebuck said he had five questions to propose to Lord Palmerston, secretary of foreign affairs, on the statement of the substance of his proposal, prepared to our hands in the New York Times.—Having expressed his strong desire for the maintenance of peace between Great Britain and the United States, he gave a sketch of the negotiations upon which he went up to the time of Gen. Harrison's induction to the office of the president of the U. S. then said he wanted to ask the noble lord.

First. Whether there had been any change in the language of the United States' government since the accession of the new government to power.

Second. Whether by any formal declaration her majesty's government had assumed the whole responsibility of the attack upon the Caroline?

Third. Whether the government of the U. States had admitted that responsibility, and had demanded reparation for the outrage and injury done and inflicted upon the United States?

Fourth. He begged to ask if the British government, since the accession of the United States, whether after such declaration, it was able, and at the same time, willing, to guarantee the safety and liberation of Mr. McLeod, notwithstanding the determination of the state of New York to go on with the proceedings now pending against that gentleman in the courts of that state.

And fifth, he asked if the government of the United States admitted the validity of such authority as a protection over Mr. McLeod, and if, having so admitted it, the noble lord the secretary for foreign affairs could state any circumstances which justified the detention of Mr. McLeod by the authority of the state of New York?

Mr. Roebuck said that the answer which the noble lord at the head of foreign affairs might be able to give to these questions, might ease the minds of the people of Great Britain, and prevent heat on all sides of the house. It was with that view he proposed these questions.

Lord Palmerston rose and said he should be the last man in that house who would interpose between, or who would curtail any information which might be given on any subject; but he at the same time felt bound to remark that the proceedings of the British government for Great Britain were somewhat irregular, because he was sure the house would be of opinion, if questions upon matters of the greatest difficulty and delicacy were to be prefaced by honorable members with a sort of narrative, it became extremely difficult for the individual whose duty it might be to give an answer to refrain from going at length into the subject to which those questions related, and thus, under the form of asking a question, a debate might be brought on without notice upon a matter of the greatest national importance. (Hear, hear.)

Lord Palmerston, however, should be happy to give the honorable and learned member for Bath the information he asked, and he had no doubt the statement he was about to make would tend to relieve the minds of many persons who think that the present state of the question with regard to Mr. McLeod, was likely to bring on a serious contest between the two countries. The advice of the honorable and learned gentleman was, he believed, substantially correct, and upon it he, (Lord Palmerston), had no particular remark to make. It was quite true as the honorable and learned gentleman stated, that upon the first demand made by her majesty's government for the return of Mr. McLeod an answer had been returned by the late secretary of state of the United States which was by

no means satisfactory; and he, (Lord Palmerston), was quite ready to admit as a doctrine of international law that no one country had a right to state in reply to a demand for redress for a wrong done either to another country or to the subject of another country, that it had peculiar institutions within itself. [Hear.]

Nations dealt with each other as aggregate communities—they knew nothing of the internal institutions of each other; if a wrong were done, redress must be obtained, and redress for a wrong done by the country did not enable it to give that redress that nation must either alter its laws or submit to the alternative which in such a case became necessary. [Cheers.] Now, although the first reply of the American government had been, as he thought, in reply to a demand for redress, for a wrong done by the country—although he considered that reply to be unsatisfactory—yet he had now the satisfaction of being able to inform the honorable and learned member for Bath and the house, that from the present government of the United States a communication had been received, containing a formal instruction given to the attorney general, and to the secretary of state, reference to this question, which contained doctrines just and consistent with the law of nations, and perfectly in accordance with the principles upon which her majesty's government had demanded the release and liberation of Mr. McLeod.

The paragraph which he should read from these instructions would, he believed, answer more than two of the questions which had been put to him by the honorable and learned member for Bath, for it would show that her majesty's government had avowed its responsibility for the attack made upon the Caroline, and that the American government regarded the affair as one to be dealt with as between the two governments, and totally unconnected with the question affecting McLeod. (Hear, hear.) This instruction which was dated the 16th of March in the present year, was from Mr. Webster, the secretary of state, to the United States' attorney general, and the United States, who was then about to proceed to New York on the business of the state. It recited in the first place the grounds upon which Mr. McLeod had been arrested, and then proceeded to state: "I have now to inform you, that Mr. Fox has addressed a message to the British government, on the 12th instant, at which, under the immediate instruction and direction of his government, he demands, formally, and officially, McLeod's immediate release, on the ground that the transaction on account of which he has been arrested is to be put upon the same basis as the case of the Caroline, and is to be decided by persons duly empowered, planned and executed by the British government, and that the British authorities to take any steps and to do any acts which might be necessary for the defence of her majesty's territories and for the protection of her majesty's subjects, and that consequently those subjects of her majesty who engaged in that transaction were performing an act of public duty, for which they cannot be personally and individually answerable to the laws and tribunals of any foreign country; and that her majesty's government has further directed Mr. Fox to make known to the government of the United States, that her majesty's government entirely approves of the course pursued by Mr. Fox, and the language adopted by him in the correspondence above mentioned." (Cheers.)

Mr. Webster then went on to say—"There is now, therefore, an authentic declaration on the part of the British government, that the attack on the Caroline was an act of public duty, done by military men under the order of their superiors, and is to be decided by such by the queen's government. The importance of this declaration is not to be doubted, and the president is of opinion that it calls upon him for the performance of a high duty. That an individual forming part of a public duty, and acting under the authority of his government, is to be held answerable as a private trespasser or malefactor, is a principle of public law, sanctioned by the usages of all civilized nations, and which the government of the U. States has no inclination to dispute. This had no connexion with the question whether in the attacks on the Caroline was an act of public duty, or not. The British government, in its statement, might think it a justifiable employment of force for the purpose of defending the British territory from unprovoked attack, or whether it was a most unjustifiable invasion, in time of peace, of the territory of the United States, as this government has regarded it. The British government, in its statement, might, while acknowledging that an individual may claim immunity from the consequences of acts done by him, by showing that he acted under national authority, this government is not to be understood as changing the opinions which it has heretofore expressed in regard to the real character of the attack on the Caroline, and the result in the destruction of the Caroline, which I reject it is not necessary for any purpose connected

with the communication to discuss. All that is intended to be said at present is, that since the attack on the Caroline is avowed as a national act, which may justify reprisals or even general war, if the government of the United States in the judgment which it shall form of the transaction and of the injury should see fit to decide, yet it raises a question entirely public and political—a question between independent nations, and that individuals concerned in it cannot be arrested and tried before the ordinary tribunals as for the violation of municipal law. If the attack upon the Caroline were unjustifiable, as this government has asserted, the law which has been violated is the law of nations; and the redress which is to be sought is the redress, authorised in such cases by the provisions of that code. You are well aware that the president has no power to arrest the proceedings in the civil and criminal courts of New York. If this indictment were pending in one of the courts of the United States, I am directed to say, that the president upon the receipt of Mr. Fox's last communication would have immediately directed a *writ* *prosequi* to be entered. (Loud cheers.)

Now, nothing could be more favourable to the government of the United States, or more satisfactory to that of this country than this declaration of principles. (Cheers.) He thought he had now answered all the questions put to him by the honorable and learned member for Bath, except one—namely, whether the United States had made a demand upon the United Kingdom, in consequence of the injuries done to the United States at large, and not for the state of New York especially. Unquestionably the first demand had been made on that ground, and in the course of last session he (Lord Palmerston) had stated that fact as the ground for his opinion, that it was impossible the United States could turn round, and say it was a question between Great Britain and one state only. (Hear, hear.)

The constitution of the United States placed all these matters in the hands of the federal government, and the tenth section of the first article of their constitution provided that "no state shall enter into any treaty, alliance, or confederation, or grant any marks and reprisals. No state shall, without the consent of congress, pay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, to engage in war, unless actually invaded, or in such imminent danger as will not admit of delay." (Hear, hear.) Therefore, it is perfectly true that this question could no more be said to be between Great Britain and the state of New York than (if America had felt herself aggrieved by Great Britain) it could be said that the question was between America and the county of Rutland. (Hear.)

But the honorable and learned member for Bath, in a former evening speaking, that her majesty's government ought, on the outset of this affair, to have sent out a special envoy to the authorities in the state of New York. Now he (Lord Palmerston) was of opinion that such a proceeding would have amounted to a nullification or denial on the part of Great Britain of the fundamental principles of the constitution of the United States, and that they would have treated it as an affront upon the federal government. (Hear, hear.) Therefore, it was not from any neglect on the part of her majesty's government that this course had been avoided, or that the responsibility is bound to rest on the constitution of the United States. (Hear.) He (Lord Palmerston) trusted he had now given answers to the questions put to him. He should be sorry to anticipate the course which the government of the United States might think proper to follow, in order to carry out the principles of international law, and he thought the best of the honorable and learned gentleman would be best answered if he (Lord Palmerston) abstained from entering further into the matter. (Cheers.)

In his remarks on the queen's speech, Sir Robert Peel said in relation to the state of affairs with the United States:

"I did see with regret the omission of any notice of our relations with the United States of America.—Not that I entirely blame that omission. I am sure it was not a casual—I am sure it was not an accidental one. Why I regret it is, that I fear you were making satisfactory to some quarters. Questions were asked of the noble lord the secretary for foreign affairs by the honorable and learned gentleman the member for Bath, to which the noble lord made a reply. The reply which the noble lord made might well have suggested other questions. When the noble lord said it down, the principle that we had no more to do with the municipal institutions of other countries, apart from the general law that a demand must be made on the public organs of the country, and that their own internal laws and regulations could not be appealed to for an answer to the question—when the noble lord read the despatch from

Mr. Webster, recognizing, as I understand it, the principle for which he contended, and which despatch was dated in March last—if the occasion had been an ordinary one, some questions must necessarily have been put. I understood the noble lord to deprecate the putting of these questions. I understood the noble lord to say that he thought it might be conducive to the great interests of peace, and more consistent with the national honor, that these questions should not be pressed; and drawing the inference from what I conceive to be the opinions of the noble lord. I for one, shall abstain from pressing questions, or asking any further explanation from him; but the noble lord will permit me to say, that the explanation which he gave was any thing but full and satisfactory.

The new ministry had been agreed upon and were to be sworn in on the 4th.

Sir Robert Peel, first lord of the treasury.
Right hon. H. Goulburn, chancellor of the exchequer.

Lord Varnell, president of the council.
Lord Lyndhurst, lord high chancellor.
Duke of Buckingham, privy seal.
Lord of Aberdeen, foreign secretary.
Lord Stanley, colonial secretary.
Sir James Graham, home secretary.
The duke of Wellington, in the cabinet, without office.

Lord Ellenborough, president of the board of control.

The earl of Haddington, first lord of the admiralty.
The earl of Ripon, president of the board of trade.

Sir F. Pollock, attorney general.
Sir W. Follett, solicitor general.
Lord Lowther, postmaster general.
Sir H. Hardinge, secretary at war.
Sir E. Knatchbull, paymaster general.
Earl de Gray, lord lieutenant of Ireland.

Lord John Russell, secretary for Ireland.
W. E. Gladstone, vice president of the board of trade.

The remaining appointments are not yet finally arranged, but there is no doubt that the following noblemen and gentlemen will hold office in the ministry: Lord Mahon, lord Liverpool, lord G. Somerset, earl of Chesterfield, lord F. Egerton, sir G. Clerk, sir C. C. St. John, &c.

The Times says—"It affords us much gratification to hear that his royal highness Prince Albert, in conjunction with her majesty, manifested an earnest desire to act in strict accordance with the spirit of the constitution, and to afford to Sir R. Peel every facility for the formation of his government. The reception which the right hon. baronet met with from her majesty was most gracious and kind. Her majesty expressed her determination to extend to Sir R. Peel's government her most implicit confidence and support, under the firm belief that no measures would be suggested, which she would not tend to maintain the dignity of the crown, to conserve the institutions of the country, and promote the happiness and prosperity of the people."

From a second edition of the Standard of Sept. 2.

The following appointments have been mentioned this evening, we believe upon good authority, though we cannot say the best; at all events there is little doubt that the lower noblemen and gentlemen may determine, the offices named have been tendered as follows:

Master general of the ordnance—Sir George Murray (Lord Beresford having declined).

Woods and forests—lord Granville Somerset.
Admiral of the navy—lord John Russell.

Admiralty lords—Sir George Cockburn (unless Sir George prefer the command in the Mediterranean) and Lord Ingestre.

Treasury secretary—Thomas Fremantle.
Governor of Canada—Sir Howard Douglas.

Sir John Denham has resigned the office of governor general of the American provinces, and asked permission to devolve the office on the officer next in command, to enable him to leave Canada early in the autumn. Lord Sydenham speaks in a tone of great satisfaction of the success of his mission in Canada.

The queen, in consideration of Lord S.'s services, has granted him the grand cross of the Bath.

Sir Howard Douglas is to be his successor as governor of Canada.

The dutiness of Bedford and Lady Normanby had relinquished their situations as ladies in waiting to the queen. This saves the new premier the necessity of having a lady-in-waiting, for the Lady Normanby was the person who stood before in his way.

There was much stagnation in business. The fine state of the weather, and better harvests, had rendered the corn markets dull; and the failures at Liverpool and Manchester paralyzed, in a degree, the cotton market.

STATE OF TRADE—MANUFACTURING DISTRICTS.—The statement of the week is the same that we have

now so often repeated. The manufacturing interest is suffering severely through the depression of the times, which is at present shaking the industry of the nation from one end of the kingdom to the other. With one or two exceptions, the mills at Manchester are all working short time, and notice has been given at several of them that they will soon stop altogether.

(London Examiner of August 28.
FRANCE.)

The principal fact announced in the Paris journals is the actual discharge of that portion of the French army, which would have finished its term of service on the 31st of December next.

This measure was carried into effect in Paris and its environs on Monday last. It was reported that the soldiers whose term of service would expire on the 31st December next year, will be provisionally discharged the moment when the conscripts of the present year shall have passed through their first drills. Each of these contingents may be estimated at 60,000 men.

The Courier Francais stated that M. Humann the minister of finance, insists on the budget reduced to 330,000,000, and the fleet to 10 ships of the line.

The Toulonnais of the 29th ult. partly confirms this last assertion.

The weather continued to be brilliant and very warm in Paris.

Mr. St. John Welles, long and favorably known to his American countrymen as one of the leading bankers of Paris, died there on 30th August leaving behind him a good name and a large fortune, which did not always go together.

We find very little news of interest in the French papers.

The journals are still writing about the census. Resistance to the fiscal measures of M. Humann had commenced in the north of France. In Lille the people congregated in large numbers to oppose their execution. The troops arrested several of the rioters. In the south the census was proceeding without any assistance.

The report of the foreign ministry was received by telegraph in Paris on Sunday night. It afforded general satisfaction to the court organ.

The speech of Sir Robert Peel which arrived next morning, confirmed that feeling, and the small rise which took place in the funds, is a striking evidence of the confidence which the public are feeling, henceforth to subsist between the English and the French governments.

FRANCE. The policy of Abdel-Kader is represented as on the decline; great preparations were making for a fresh campaign against him. It was said he had fled from Algiers, and that he had prepared for his answer that the first condition of the treaty must be his being embarked for France.

SPAIN.

Accounts from Madrid to August 24, state, that Espartero was ill, and would not close the session in person. On the 25th the minister for foreign affairs withdrew the bill for the proposition to Great Britain of the islands of Annabon and Fernando Po.

GERMANY.

Accounts from Hamburg state that Mecklenburg will shortly join the German, or rather Prussian commercial league; and that sooner or later the whole of the Hanseatic towns will be included in it.

AUSTRIA.

The Stutgard Gazette states, under date Vienna, that the finances of Austria were in a most embarrassed situation, and that all commercial enterprise was completely paralysed.

The Austriac Observer announces, that the insurrectionary movements at Braila had been suppressed by the Wallachian troops.

GREECE.

Accounts from Greece state that four of the ministers had tendered their resignations, finding they could do no more being thwarted by the king in every measure. Otho, however, has induced them to stay, promising to conform to their views.

TURKEY, EGYPT AND SYRIA.

The arrival in London of the Levant mail brings accounts from Constantinople and Egypt to the 7th ult. and from Smyrna to the 9th, with news from Candia and Syria.

It is much to be regretted that the pasha of Egypt was recovering in peace, and by his gold, a great share of the influence and advantage which he had lost by provoking war. The port had lowered its demand of tribute with Mehmet to thirty millions of piastres.—An Syria is represented to be in a state of complete anarchy.

CANDIA.

The "Courier Grec," Athens journal, of the 12th ult. contains a letter from the chief of the last insurrection in Candia, stating that having been betrayed by Rousses Bourdonn Bain, they had sought refuge on board the English vessels, that their intention was not to abandon the Candiot, but that the English

had carried them to the *Picurus*, after having circulated the report of the failure of the insurrection along the coast, and thereby ruined their cause.

CANADA.

DEATH OF THE GOVERNOR GENERAL. Lord Sydenham, governor general of the British provinces in North America, died at his residence in Kingston, Upper Canada, on the morning of the 9th instant, of the lock jaw, or facial palsy, which he had, a short time since, suffered from in his horse.

THE NEW GOVERNOR. Sir Howard Douglas is spoken of as the future governor general of Canada. The New York Commercial says that his accession to this office, if it takes place, will have no good effect upon the adjustment of the boundary question, Sir Howard being the present governor of Nova Scotia, and afterward of New Brunswick. Pending the arbitrament of the question before the king of Holland, Sir Howard was recalled to manage the question on the part of the English government—the conduct on the American side of the case having been questioned by Mr. Freble, of Maine, appointed upon that mission by General Jackson. Mr. Freble made a sad business of it, and Sir Douglas was so far successful as to prevent a reward in our favor.

NATIONAL AFFAIRS.

APPOINTMENTS BY THE PRESIDENT,

BY AND WITH THE ADVISE AND CONSENT OF THE SENATE.

Daniel M. Mitchell, Missouri, superintendent of Indian affairs, at St. Louis, Missouri.

Robert Stuart, of Michigan, agent for the Ottawa and Chippewa Indians.

Pierce M. Butler, of South Carolina, Indian agent for the Cherokee Indians.

Algeron Sydney Robertson, marshal for the eastern district of Louisiana.

Vincent Browne, navy agent for the port of Boston, vice *Leonard Jarvis*, removed.

LAND OFFICERS.

Levi W. Lenzler, receiver of public monies at Marshville, Alabama.

Hardy Holmes, receiver, Ouachita, Louisiana.

Henry O'Meara, receiver, do. do.

OFFICERS OF THE CUSTOMS.

William H. Ware, collector at St. Marks, Florida.

William P. Briggs, collector, Vermont.

Alexander Ferguson, naval officer, Philadelphia.

POSTMASTERS.

Benjamin W. Hale, at Newburyport, Mass.; *Jacob Robbins*, at Lowell, Mass.; *Wm. C. Beardsley*, at Auburn, N. Y.

THE DEPARTMENTS. Mr. FORWARD, secretary of the treasury, has entered upon the discharge of the duties of that office; and JAMES N. BAKER, (formerly comptroller, and nominated to the senate again, but that office, not acted on,) is acting as comptroller of the treasury. Vice Mr. Forward, late comptroller.

ROBERT M. LEA, esq., chief clerk of the department of war, has been appointed by the president acting secretary of war until the arrival of the hon. JOHN McLEAN.

Mr. SIMMS, chief clerk of the navy department, in like manner officiates in that department, and JOHN LAMBE, assistant postmaster general, in the post office department.

ATTORNEY GENERAL. The National Intelligencer of the 20th says:—"We have pleasure in stating that Mr. LEAGUE, having accepted the office of attorney general, vacated by the resignation of Mr. CRITTENDEN, has arrived in this city and entered upon the discharge of the duties of that office."

DIPLOMATIC. CHRISTOPHER HUGHES, The Baltimore *American*, of the 23d says:—"We are pleased to hear of the return to this country of our distinguished and estimable townsman, Mr. CHRISTOPHER HUGHES. Mr. H. is coming home on leave to visit his friends. He was expected in London early this month, and would take passage from Liverpool in the beginning of October."

Our readers will find this able diplomatist mentioned with no more than due encomium, in the speech of J. Q. ADAMS, esq., on the McLeod case, which is inserted in this number of the REGISTER.

Mr. CAMERLUNG, our late minister to Russia, arrived at New York, in the Great Western, on Tuesday evening, after an absence of two years in Europe.

MEXICAN COMMISSIONER. Mr. HENRY M. BRACKENRIDGE, appointed a commissioner under the treaty with Mexico, in the place of Mr. ROWAN, resigned, has arrived at Washington, and is ready upon the discharge of the duties of the commission.

DEPARTMENTS for the British minister were brought out by the *Calcutta*. A special message to Lord Sydenham also came in here.

RESIGNATION OF THE SECRETARY OF THE NAVY. Messrs. *Gales & Seaton*: I deem it proper to offer a public explanation of some of the reasons which have induced my resignation on the 17th instant, of the office of secretary of the navy, and, for that purpose, ask a small space in the National Intelligencer.

At the cabinet meeting held on the 15th of August last, (the attorney general and the postmaster general being absent), the subject of an Exchange Bank, or institution, was brought forward by the president himself, and was fully considered. Into the particulars of what passed I do not propose now to enter.—It will be sufficient to say that it was then distinctly stated and understood that such an institution met the approbation of the president, and was deemed by him to be constitutional. It was then decided that if congress should deem it necessary to act upon the subject during the session) that such an institution should be adopted by that body, and that the members of his cabinet should aid in bringing about that result; and Messrs. WALKER and EWING were specially directed by the president to have a communication upon the subject with certain members of congress. The institution then spoken of was to be located in the District of Columbia; to be authorized to establish agencies in the states and territories with local banks, and to do business with the United States and foreign countries, and in bills of exchange drawn in one state or territory and payable in another state or territory; and the exercise of this power was not to depend on any assent, expressed or implied, of the states within which such agencies might be established.

As a consequence of what passed at this meeting, I saw such friends in congress as I deemed it proper to approach, and urged upon them the passage of a bill to establish such an institution, assuring them that I did not doubt it would receive the approbation of the president. The bill was passed, as the public know, and was met by the veto. Now, if the president, after the meeting of the 18th August, had changed his mind as to the constitutional power of congress, and had come to doubt or deny what he had admitted at this meeting, (which is the most favorable interpretation that can be put upon his conduct,) it was my opinion a plain duty on his part to have made known to the gentlemen concerned this change of sentiment—to have offered them an apology for the unpleasant situation in which they were placed by his agency—or, at least, to have softened, by a full explanation of his motives, his intended veto of a measure in promoting the success of which they, at his request, had rendered their assistance. But this the president did not do. Never, from the moment of my leaving his house on the 18th, did he open his lips to me on the subject. It was only from the newspapers, from rumors, and from hints, that I learned the measure and the constitutionality of the proposed institution, and had made the most solemn assertions that he would never approve a measure which I knew was suggested by himself, and which had been, at his own instance, introduced into congress. It was still in the president's power, by a proper statement, to have suggested his objections to the bill, but he was silent. His silence containing his objections to the bill, to have supplied these omissions, and in some degree at least to have repaired his former neglect; but when that paper came to be read, it was found that so far from saying frankly that he once favored and had been misled by the bill, he was silent, and that the measure was the fact) by subsequent reflection to adopt different views upon the subject, he treated the measure as one evidently inconsistent with his previously expressed opinions, and which it ought not to have been supposed for a moment he could approve.

Whether this conduct of the president is susceptible of more or less excuse, is a question not necessary now to inquire. I have not heard, nor do I imagine any ground for either. Whether an explanation of it has been offered to any one of the gentlemen concerned I know not, but none was at any time offered to me; and while I forbear to make the remarks, obvious and painful, which are which the transaction suggests, I declare the conviction that this conduct of the president, standing without known defence, excuse or explanation, constituted (if I do not other reasons had existed) ample ground for a withdrawal from his cabinet without delay.

It is clearly necessary to say that I have not supposed, and do not now suppose, that a difference merely between the president and his cabinet, either as to the constitutionality or the expediency of a bank, necessarily interposes any obstacles to a full and cordial co-operation between them in the general conduct of his administration; and therefore deeply

as I regretted the veto of the first bill, I did not feel myself at liberty to retire on that account from my situation. But the facts attending the initiation and disapproval of the last bill made a case totally different from that—one it is believed without a parallel in the history of our cabinets: presenting, to say nothing more, a measure embraced and then repudiated—efforts prompted and then discontinued—services rendered and then disavowed from neglect. Such a case required, in my judgment, upon considerations, private and public, that the official relations subsisting between the president and myself should be immediately dissolved. GEO. E. BADGER.

Washington, Sept. 18, 1840.

RESIGNATION OF MR. SECRETARY BELL.

Washington, September 30, 1841.

GENTLEMEN: Doubts have been attempted to be cast upon the correctness of Mr. EWING's statement in relation to the part taken by the president in getting up the bill of coinage, by arguing that there was an impropriety in making it which ought to deprive it of credit. There are circumstances in this case distinguishing it from all others that I recollect of the kind. It grows out of a matter of official business, transacted between high public functionaries, one of public and general concern. The public and open conduct of one of these high functionaries is in direct opposition to what the other had, by his express direction and authority, affirmed as to his intentions and purposes. There can, I humbly submit, be no serious question in the mind as to the propriety of the president's action in calling upon the point of personal propriety when the injured party seeks to vindicate his honor by disclosing the truth. The obligations arising out of confidential relations, in private or public affairs, are founded in mutual trust. He that disregards his own confidential pledges and engagements cannot allege the obligation of the same to others. The same transaction, against the natural right of self-defence belonging to the injured party. For any thing that can ever be known to the contrary, it may have been the object of the original pledge or engagement to sacrifice those who trusted and were misled by it. For these reasons, I do not hesitate to furnish, for publication, the accompanying statement, which contains all the facts and circumstances within my knowledge, that occur to me as being material, connected with the subject of difference. I do this as an act of justice not only to Mr. EWING, who requested it, but to myself.

I avail myself of this occasion to say that I have, at no time, regarded a difference of opinion between the president and myself in relation to a bank, however important the subject, as sufficient of itself to justify a resignation of the office which I lately held in the executive administration of the government. Nor was it because the president thought proper to trifle with or mislead his cabinet, as there is but too much reason to believe he intended to do, in the affair of the last fiscal bank bill, that I resigned my place. There were other, and some of them pre-existing causes, for such a course, and the president was not the efficient of themselves; and which could not have been overlooked. But it was possible to explain or remove them, and therefore they were not promptly acted upon. The last act of the president, however, was conclusive of the true character of all the other occurrences, and was sufficient to have previously awakened curiosity or excited distrust.

I shall, at my leisure, state the reasons more at large which impelled me to the course I have thought proper to adopt, and at the same time furnish a narrative of all the causes, so far as they fell under my observation, and which have resulted in the separation of Mr. TYLER from the party which brought him into power, and the breaking up of the whig administration. I am, respectfully, your obedient servant, JOHN BELL.

Messrs. *Gales & Seaton*.

STATEMENT.

I called to see the president on official business on the morning, (Monday, 16th August), before the first veto message was sent in. I found him reading the message to the secretary of the treasury. He did me the honor to read the material passages to me.—Upon reading that part of it which treats of the superior importance and value of the business done by the late bank of the United States in furnishing exchanges between the different states and sections of the union, I was so strongly impressed with the idea that he meant to intimate that he would have no objection to my withdrawing to visit my family in making in exchanges, that I interrupted him in the reading, and asked if I was to understand, by what he had just read, that he was prepared to give his assent to a bank in the District of Columbia, with offices or agencies in the states, having the privilege, without their assent, to deal in exchanges between them, and

in foreign bills. He promptly replied that he thought experience had shown the necessity of such a power in the government. I could not restrain the immediate expression of my gratification upon hearing this avowal. I said to the president at once, that what I had feared would lead to fatal divisions among our friends, I now regarded as rather fortunate than otherwise; that his veto of the bill then before him would lead to the adoption of a much better one. I also congratulated him upon the happy circumstance of the delay which had taken place in sending in his veto message. The heat and violence which might have been expected if the veto had been sent in immediately upon the passage of the bill, would now be avoided. Time had been given for cool reflection, and as the message did not exclude the idea of a bank in some form, no unpleasant consequences would be likely to follow. He expressed a great surprise that there should be so much excitement upon the subject; said that he had had his mind made up on the bill before him from the first, but had delayed his message that there should be time for the excitement to wear off; that message would be easy enough to pass, and he would answer it as soon as possible, but that it could be done in three days. The next day, having occasion to see the president again, he requested me to furnish him with such information as the war department afforded of the embarrassments attending the difficulties of the currency, and the several important points on the frontier, in Florida, &c. He the same time requested me to draw up a brief statement of my views upon the subject, showing the practical advantages and necessity of such a fiscal institution as he had thought of proposing. Such information I could readily collect from the heads of the principal disbursing bureaus of the department. I handed to him on the evening of the same day, knowing that time was of the utmost importance in the state in which the question then was. He received the statements I gave him with manifest interest, and alarmed me by remarking that he began to doubt whether he would give his assent, (as I understood him), to any bank.

The next day (Wednesday, 18th August) was the stated time for the weekly meeting of the cabinet with the president. Mr. WEBSTER, Mr. EWING, and myself, went at ten o'clock in the morning, and were seated at the table at the president's table. Mr. Messrs. BARKER, SERGEANT, and, I think, Mr. DAWSON, of Georgia. We waited until they retired, and the president made his appearance about three quarters of an hour afterwards. Mr. BARKER came in soon after the president joined us. Messrs. CARRINGTON and Alexander did not attend. The exercise which ensued was a long one—lasting two hours at least, according to my recollection. I cannot pretend to detail all that was said; neither can I undertake to give the language employed by the president upon every point, nor of the members of the cabinet. I can only state the substance of what was said upon those points which most attracted my attention.

The president commenced by stating that he had been waited upon that morning by a committee of members of congress, who desired to know his views upon the subject of a bank—such a one as he could sanction. He had given them no satisfaction upon the subject, but had informed them that he would first start all with the president, and then with the cabinet—through whom he thought it most regular that his views should be communicated. He asked the opinion of his cabinet upon the correctness of the ground he had taken; remarking at the same time, that the habit of expressing his views to members of congress upon matters of such importance, was owing to him to great embarrassment and much misrepresentation. That question being disposed of, the president adverted briefly, but without much connexion, to the relation in which he stood to the bank question, and his disposition to go as far as he could to comply with the wishes of his friends, and to the relation that existed between him and his cabinet, and how necessary it was that he should have their support. Would they stand by him? He much preferred that the whole subject should be postponed until the next session, but if it was necessary to do so now, he thought a plan might be devised which, with their co-operation, might be carried through. He wondered why the senate continued to postpone nothing upon his veto message, which was yet to be disposed of. He supposed it might be to hold it as a relic of his brief, and that some doubts whether it was proper that he should consider turning the subject until the senate had decided what they would do with the bill then before them. Some one present assured him that the postponement of the question pending in the senate was intended to give time for the president to make an immoderate debate. The president then gave the outline of his plan, or fiscal institution as he thought he could sanction.

It was to be in the District of Columbia, to have the privilege of issuing its own notes, receive moneys on deposit, and to deal in bills of exchange between the states and between the United States and foreign states. But he wished to have the opinion of his cabinet upon it. His own consistency and reputation would be looked to. He considered his cabinet his friends, who must stand by and defend whatever he did upon the subject. He appealed particularly to Mr. WEBSTER for his opinion upon the point of consistency; and whether there was not a clear distinction between the old Bank of the United States—a *bank of discount and deposit*—and the one he now thought of proposing; and whether the constitutional question was not different. He reminded us that, in all his former speeches and reports, he had taken the ground that congress had no constitutional power to charter a bank which had the power of local discount.

Mr. WEBSTER pointed out the distinction between the two plans in a manner which appeared to be satisfactory to him. The substance of what he said was, as I understood him, as follows: He had a decided preference for a bank upon the plan then proposed over either of those which had been previously spoken of. He reminded the president that he had expressed his preference for a bank which should be restricted in its dealings to bills of exchange, when certain gentlemen from the city of New York were present several weeks before. He then thought, as he did now, that it would answer all useful purposes. He thought the preference was, and it had great weight with him, that the plan did not contemplate the consent of the states as, in any way or at any time, necessary to its existence or efficiency. He thought the plan proposed at the commencement of the session, generally known as Mr. EWING's bill, as incongruous and objectionable on this ground. His general objection to the bill was, that it seemed to prefer that, whatever power this government asserted, or was authorised to assert, should be exercised independently of state authority, and of the interference of the states. He thought there could be no doubt of the constitutional power to charter such a bank. He understood, however, that the president's own mode of thinking upon that subject, if he understood them. Certainly there was a clear distinction between such a bank and the late Bank of the United States. The one now proposed was to be limited in its operations to such objects as were mentioned in the general provisions of the constitution, and the exercise of the power was in the execution of others. The privilege of issuing its own notes, of dealing in exchanges, and of receiving moneys on deposit, all appeared to have immediate reference to or connexion with the power given in the constitution over commerce between the states, over the currency, and the necessary fiscal operations of the government in the collection, safe-keeping and disbursement of the public revenue. These were all subjects of national, and not local or state concern. The distinction between this plan and the late Bank of the United States, in this privilege enjoyed by the old bank, of dealing in local bills, and of discounting notes having no circulation, as it might be, but between the different streets or commercial points of the same city, had no connexion with the trade or commerce between the states and remote sections of the union, and with the transfer of the public money from one point to another; and the exercise of the necessary connexion with any of the great national objects for which the bank was chartered; nor could it be claimed as an incident to any of the powers given to congress by the constitution. The privilege, he apprehended, was conferred upon the late bank from a mistaken view of the nature of the power, and could not be made profitable; and it was therefore considered as a necessary incident to an institution which was itself but the offspring of an incidental power. Experience, he thought, had shown clearly that such a privilege was no longer important or necessary. By confining the discounting privilege of the proposed bank to bills of exchange between this country and foreign states, and between the several states of the union, this objection would not lie against it.

The president expressed his regret that he had not used the words "bank of discount and deposit" in his late message, and that the distinction he now made might be clearly inferred from that message, and he could not then be charged with inconsistency. Mr. BARKER said he thought nothing would have been gained by the use of the terms "bank of discount and deposit" in his message; for, as to the charge of inconsistency, he thought it would be equally applicable against him for party effect, if he sanctioned the bill then proposed by him, inasmuch as dealing in or buying bills of exchange would be discounting, and to that extent make it a bank of discount.

When all the material points appeared to be disposed of, and the members of the cabinet present had

expressed their decided approbation of the plan the president had suggested, he said that, after all, he would not sanction a bank in the form just agreed upon, if he supposed that it would be made the ground-work or basis of a bank with all the powers of the late bank of the United States. He never would give his sanction to the power of local discount. He feared that, at the next or succeeding sessions of congress, the whigs would be bringing forward amendments engraving this power upon any charter he might now approve; and he appealed to his cabinet to know if they would stand by him, and use their influence in preventing any such movements while his administration lasted. Mr. WEBSTER and others gave him all proper assurances upon this point.

The president thought a capital of fifteen millions of dollars would be sufficient.

A name, he said, was important. What should it be? *Fiscal Institute* would do. It was objected to, and the name of *fiscal bank* preferred by a number of the cabinet. He replied that there was a great deal in name, and he did not wish the word bank to appear in the bill.

The president then inquired if he was understood. He said there must be no misunderstanding of what he proposed to do. Addressing himself to Mr. EWING, he asked him if he thought he understood his views fully. Mr. EWING undertook to recapitulate. He understood the president to have no objection to a bank in the District of Columbia, with offices of discount and deposit in the states, with their assent. The president interrupted him abruptly, by saying he did not understand him at all; he was not willing to sanction any such bank. I understood his objection to be to the power of local discount. I supposed Mr. EWING intended to say that he understood the president had no constitutional objection to such a bank. The president, however, without explaining, went on to say, that he now understood the president to have no objection to a bank in the District of Columbia, with the power to issue its own notes, receive moneys on deposit, with offices or agencies in the states having the privilege, without their assent, of dealing in bills of exchange drawn in one state or territory and made payable in another state or territory of the union, and in bills between the United States and foreign states or nations.

The president said he was then understood. He requested Mr. WEBSTER to immediately go to communicate with the gentlemen who had waited upon him that morning, and to let them know the conclusions to which he had come. He also requested Mr. EWING to aid in getting the subject properly before congress. He requested that they would take care not to commit him by what they said, and that members of congress to any intention to dictate to congress. They might express their confidence and belief that such a bill as had just been agreed upon would receive his sanction; but it should be as matter of inference from his veto message and his general views. He thought he might request some friend of his own upon whom he could rely. Mr. SERGEANT was named, and he expressed himself satisfied that he should have charge of it. He also expressed a wish to see the bill before it was presented to the house, if it could be so managed.

I then said, addressing myself to Messrs. WEBSTER and EWING, that no time was to be lost in communicating the substance of the president's views to the danger that Mr. EWING's bill would be taken up and reported to the senate immediately after the bill sent back to the senate with the president's objections was disposed of.

As the members of the cabinet rose to depart, or just before the president retired Messrs. WEBSTER and EWING, as they had turned their attention more particularly to the subject, to furnish him with written arguments upon the points they had been discussing. He wanted them to fortify his own opinion, and to lay up for future reference. JOHN BELL.
Washington, Sept. 20, 1841.

MR. WEBSTER'S LETTER. In compliance to a written request of T. Allen, editor of the *Madisonian*, Mr. WEBSTER, on the 22d instant, furnished him with a copy of the following note, which he addressed on the 25th August, to the two senators from Massachusetts.

August 25th, 1841.

GENTLEMEN: As you spoke last evening of the general policy of the whigs, under the present position of affairs, relative to the bank bill, I am willing to place you in full possession of my opinion on that subject.

It is not necessary to go further back, into the history of the past, than the introduction of the present measure into the house of representatives.

That introduction took place, within two or three days, after the president's disapproval of the former

select men to a council to make laws for their own government.

Three forts are to be established within the district, to preserve peace among them, and to protect them from foreign invasion. Probably as much of the purchase as falls within the state of Iowa will be sold to be settled by the whites; but that portion of it which lies north of the state, will be occupied as above described.

The governor has discovered bituminous coal and copper on the St. Peters, to which steamboats can ascend, specimens of which are now at Prairie du Chien.

This arrangement, (adds the *Galena Gazette*), will throw a large body of Indians upon our immediate frontier; but the effort that will be made to civilize them, is deemed a sufficient guarantee for their peaceable deportment. [*Balt. American.*]

BEACON LIGHT. A notification from the department of state says, an ordinance has been published by the administration of the marine of Sweden, notifying mariners that the light house at Winga, at the entrance of Gottenburg, and the beacon fires leading up to the port, will be lighted up for the first time on the first of next November; that the Winga light will burn the whole year round; but the beacon fires which are situated on Buskaret and Botto will burn only during the dark season: that is, from the 15th of August to the 15th of April in each and every year.

SUB-TREASURY ROBBED. By a hand bill signed E. S. Prescott, receiver, dated last office, Chicago, September 13, 1841, we learn that the office of the receiver of public moneys in Chicago was entered on Saturday or Sunday night the 11th or 12th instant, the sub-treasury safe opened by false keys, and the following amounts stolen, viz: \$16,825 in gold, \$400 in silver, \$400 in treasury notes, \$100 in military land scrip, and one \$30 note, Bank of North Adams, Massachusetts. The receiver offers a reward of \$1,000 for the recovery of the money, and \$500 for the arrest of the robber. [*Clev. Herald.*]

EXPEDITION FOR LIBERIA. The next expedition for Liberia will sail from Norfolk, Virginia, on or near the 10th of October next. This will probably be the last expedition sent out this year.

THE ARMY.

GENERAL SCOTT was at Lewistown last week, and superintended the mounting of the cannon on Fort Niagara. He reached the city of New York on Tuesday.

COL. CHURCHILL, inspector-general U. S. army, is on his way from Florida on a visit to his family at Burlington, Vt.

CAPT. BREWSTER, U. S. A. returned from Europe in the Great Western, with improved health.

ORDNANCE DEPARTMENT.

Colonel.
1 George Bomford, in charge of department, Washington.

Lieutenant Colonel.
1 George Talcott, inspector of armories, arsenals and depots; station, Washington, D. C.

Major.
1 H. K. Craig, commanding Allegheny arsenal, at present in temporary command of armory at Harper's Ferry.

1 R. L. Baker, commanding Watervliet arsenal.
3 Mann Page Lomax, do. Watervliet do.
4 James W. Ripley, do. Kennebec do. and inspector of ordnance at present in temporary command of armory at Springfield, Mass.

Captains.
1 John Symington, commanding Washington arsenal.
2 William H. Bell, do. St. Louis do.
3 Edward Harding, do. Augusta, Ga. do.
4 Alfred Morsehead, Washington, assistant to chief of the department.

5 Benjamin Huger, com'dg Fort Monroe arsenal.
6 J. A. J. Bradford, Pilatka, Florida.
7 George D. Ramsay, commanding Frankford, Pa. arsenal.

8 Wm. Mayminder, commanding Pikeville, Md. arsenal, and assistant inspector of ordnance.
9 Wm. A. Thornton, commanding N. York depot.

10 John Williamson, com'dg Appalachicola arsenal.

First Lieutenants.
1 R. H. K. White, com'dg Baton Rouge arsenal.
2 George H. Talcott, Augusta, Ga. arsenal.
3 John F. Lee, com'dg arsenal, Little Rock, Ark.
4 James M. Morgan, Allegheny arsenal.

5 L. A. W. Walbach, Fayetteville, N. C. arsenal.

6 Peter V. Hagler, Fort Monroe do.

Second Lieutenants.

1 R. A. Wainwright, Watervliet arsenal, N. Y.

2 Alex. B. Dyer, under orders to Washington.

3 A. H. Dearborn, West Point foundry, Cold Springs, New York.

4 F. D. Callender, Tampa Bay depot.

5 T. L. Ringgold, Washington arsenal.

6 John P. Kingsbury, Watervliet arsenal.

Brevet Second Lieutenants.

1 C. M. Dearborn, St. Louis arsenal.

2 Smith Stansbury, Fort Monroe arsenal.

3 Josiah Gough, Watervliet arsenal.

4 T. J. Rodman, Allegheny arsenal.

Medical Staff. Assistant surgeon S. R. Arnold, ordered to Fort Brady, to relieve assistant surgeon M. Mills, who will proceed to Madison barracks. Assistant surgeon J. H. Bailey, to temporary duty in New York harbor.

Topographical Engineers. Lieut. Seamon, military academy.

1st artillery. Lieut. McDowell, to military academy.

2d artillery. Lieut. L. H. Allen, to military academy.

3d artillery. Major J. Erving, temporarily assigned as superintendent of the recruiting service at N. York.

Lieut. J. A. Thomas, relieved from duty at the military academy, having been appointed A. D. C. to Brig. Gen. Wm. L. Lewis, W. Illinois and S. Van Vleet, to duty at the military academy.

4th artillery. Lieut. F. N. Clarke, to military academy.

1st infantry. Capt. W. Jonett, relieved from command of depot at Newport, Ky. on the 1st Oct.

2d infantry. Capt. J. B. Kingsbury, Lieut. E. R. Lett, to command depot at New York harbor.

3d infantry. Lieut. Col. Vose, relieved as superintendent of the recruiting service at New York, on the 1st Sept. and ordered to join his regiment on the 1st Nov.

Capt. N. C. Macrae to command of depot at Newport, Ky. on the 1st Oct.

7th infantry. Lieut. F. B. Arden, relieved from duty at the military academy.

Lieut. P. D. Geisse, to temporary duty in New York harbor.

8th infantry. Capt. G. Wright, to temporary duty in New York harbor. [*Army & Navy Chronicle.*]

NORTHERN FRONTIER. A correspondent of the N. York Commercial Advertiser writes from Rome, N. Y. 18th Sept. "Our peaceful and quiet village was to-day animated and excited too, by the arrival of a company of troops under the command of Lieut. Brookes of the 2d regt. artillery. They are stationed at the United States arsenal, in our village. In the present feverish state of the public mind and the excitements on the frontier, such a measure of precaution is well timed. There is in the arsenal here a large quantity of arms, ammunition and cannon, that would be of very great use to the "patriots" could they be obtained. There have been no troops stationed here for some time past—and danger was to be apprehended—though the commanding officer at the arsenal, capt. Abel, a very vigilant and faithful officer, would have given a good account of himself, if any attempt had been made here.

17—Brigadier General Wool arrived this morning, and gave directions to the officer in command of the troops, and returned in the down train of cars. The guard at Whitesburg, patrolling the streets every night, and the arrival of these troops, are producing much excitement in the public mind. Our court is now in session at Whitesboro, and people from all parts of the county being present, inquiries are making as to all this array; and I think that an impression is deepening in the public mind that it is high time to take a decided stand against these movements of the patriots and Canadian refugees, which are likely to lead to the most alarming results.

The article in the Evening Journal in relation to the miscreant Lett has astonished every body. That the leading paper at Albany should throw in a palladium for the outrages committed by this fellow is truly a matter of wonder; and if passing strange that he has thus long been permitted to roam at large, when it is confidently believed that a suitable reward would, months ago, have caused his arrest.

Extract of a letter from an officer in Florida. "In my last hurried note to you I mentioned having witnessed a scene here a few days before, which, in my humble judgment, put the famed story of Damon and Pythias in the shade. I will now give you some of the particulars.

A party of Indians was recently discovered by some of our troops, who succeeded in capturing three of their warriors; the rest of the party, consisting of three men, and women and children, numbering in all about twenty. The captives were brought to this place, where they were interrogated by the

colonel, (Colonel WORTH), during which it was discovered that two of them had been concerned in killing and burning a mail rider some time in March last. They were told that, for this cruel act of theirs, they would be hung in fifteen days, unless within that time the rest of their people should come in. They were then placed in chains, and were permitted to send out the third man of their party, with a talk, to bring in the rest of their people, while they were committed to the guard. The man thus sent out returned in due season, bringing with him a warrior by the name of Holate Ficoxo, and some women and children, among whom were the mother and sister of one of the prisoners, whose name is Talof Hadjo. The scene which followed may be dramatized thus:

Scene, an open court in front of the commanding officer's quarters—Indians are discovered seated under the trees, among them Holate Ficoxo, (Pythias), on the grass, in the Indian posture—Talof Hadjo, (Damon), in chains, on a bench, his head resting against the trunk of a tree, looking towards the heavens, with a countenance indicative of resignation—his mother and sister by his side, on the grass at his feet, the mother weeping at the fate which awaits her son—the colonel and other officers are discovered at a distance from the group of Indians.

Colonel to Holate Ficoxo.—Where are the rest of the people sent for?

Holate.—They have separated and cannot be found. Your troops have scattered them, and they have taken different paths.

Colonel.—Know you not that, unless they are brought in, these men (pointing to the prisoners) will be hung? (A pause. The Indians disconsolate, but apparently resolved.) I see, you are not, my people, will you bring them in, in time to save their lives?

Holate.—They have gone off, and I know not where to look for them. Like the frightened deer, they have fled at the presence of your troops.

Colonel.—Indian son and Indian. If they are not here in ten days, these men will surely die.

Holate.—The tract of the Indian is covered; his path is hidden; and cannot be found in ten suns.

Colonel to Talof.—Have you a wife?

Talof.—My wife and child are with the people. I wish them here, that I may take leave of them before.

Colonel.—Do you love your wife and child?

Talof.—They are fond of its kind; and I love my own blood.

Colonel.—Could you find the people that are out of Holate?—They are scattered, and may not be found.

Colonel.—Do you desire your freedom?

Talof.—I see the people going to and fro, and wish to be with him. I am tired of my chains.

Colonel.—If I release you, will you bring in the people within the time fixed?

Talof.—You will not let me go. Yet I would try.

Colonel.—If Holate Ficoxo will consent to take your chains and be hung in your place if you should not return, you may go. (A long pause. Talof continues throughout the scene with his eyes fixed on the heavens—his mother and sister now cast imploring looks towards Holate, who, during the last few questions, had struggled to maintain his composure, evincing, by the heaving of his breast and his gaspings, as though the rope were already about his neck, that he is ill at ease—all eyes are turned towards him—he recovers, and, with the utmost composure and firmness, replies.)

Holate.—I have no wife, or child, or mother. It is more fit that he should live than I. I consent to take his chains, and abide his fate. Let him go.

Colonel.—Be it so. But do not deceive yourselves. So sure as Talof Hadjo brings not in the people within ten days Holate dies the death of a dog. With the utmost solemnity the two Indians were then marched to the armory, where the chains were transferred, and in fifteen minutes after Talof was on his journey. Yesterday a messenger arrived bringing intelligence that Talof Hadjo was on his way in, with his people, and might be expected here to-morrow.

There is more truth than poetry in the foregoing. And what makes it more remarkable, when compared with the story of Damon and Pythias, is that in the one case a strong and devoted friendship existed between the parties, while in the other there appears no such feeling, but the sacrifice offered by Holate arose from a purely national and distinguished motive.

A sacrifice to save the life of one whom he considered of more consequence than himself. Pythias placed the utmost faith in the promise of his friend to return at the appointed time. The noble Holate had no such assurance given him. On the contrary, he well knew it was nearly probable that Talof would return with his people in time to save his life."

[*Int. Int.*]

THE NAVY.

MARINE CORPS. Matthew R. Kintzing, of Pennsylvania, to be a second lieutenant, from 8th September, 1841.

The following appointments were confirmed at a late hour on the last night of the session.

To be pursers from the 13th September, 1841.

1. Andrew D. Crosby, of Louisiana.
2. James S. Flattley, of Pennsylvania.
3. Lewis Warrington, jr., of the District of Columbia.
4. Frederick Stevens, of South Carolina.
5. Robert S. Moore, of North Carolina.
6. George H. White, of Pennsylvania.
7. Henry M. Heiskell, of Pennsylvania.
8. W. William A. Cerrillon, of Alabama.
9. Littleton Tazewell Walker, of Virginia.

[Army & Navy Chronicle.]

The Norfolk Herald of the 18th September, says, "The U. States frigate MACEDONIAN, Commodore Wilkinson, and sloop of war WARREN, commander Jameson, came up this forenoon from Hampton Roads to the anchorage abreast of the naval hospital, where they have anchored. As the Macedonian approached the Pennsylvania, Com. Shubrick's flag ship, the latter fired a salute, and ran up the red in place of the blue pendant, Commodore Wilkinson being the senior. The Macedonian then passed the Pennsylvania, and gracefully rounding to under her stern, returned the Pennsylvania's salute. At a later hour, the Macedonian ran up the French ensign to the fore, and fired a salute, which was promptly returned by the French admiral with the American ensign at the fore.

There are now seven ships of war anchored in a line extending about a mile down the river from the Hospital point, and they present quite a formidable appearance, such indeed, as was never before seen in our harbor.

First rides the French corvette Bison, Captain Aguilleteau, of 20 guns; 2d, the U. States corvette Cyane, Commander Stribling, of 20 guns; 3d, the Macedonian, Commodore Wilkinson, a warm 44; 4th, the majestic Pennsylvania, Com. Shubrick, a nammoth three decker of 130 guns; 5th, the U. S. sloop of war Warren, Commander Jameson, 20 guns; 6th, the French frigate Armide, Captain Louvet, flag ship of Admiral Armand, of 36 guns; 7th and lastly, the French corvette L'Aurier, Captain Garnier, of 16 guns. Total 276.

Our harbor below the town exhibits a rare and picturesque appearance from Town Point; the men of war with their towering masts fill the foreground, tapering off with more than a hundred smaller craft beyond them (windbound), anchored on either side of the channel, as low as the bite of Cranesy Island, filling a space of three miles in extent.

The French frigate LA BELLE POULE, under the command of the Prince de Joinville, with the French brig of war LA CASSARD, arrived at New York on the 19th inst. in 4 days from Halifax.

OUR NAVY. The favorable mention of our navy, its officers and men, by Lady Blessington, will be heard with pride and pleasure by many who have not read her "Idler in Italy."

"An American fleet has arrived in the bay, [of Naples], and we were yesterday on board to see the ship of the commodore, the *Crichton*. Nothing could exceed the good order and cleanliness of the vessel, nor the elegance of the cabin of the commodore. The sailors are fine-looking men, and the commodore and his officers are exceedingly gentlemanly, well-informed and intelligent. We were received with great politeness and refreshments were served in the cabin, and the band, a very good one, played several national airs. It was very gratifying to witness the rapid march of intellect evinced by all that we beheld on board the American ship, and precluded and unjust, indeed, must those be who, after seeing its details and *ensemble*, could deny that our transatlantic brethren have made a wonderful progress as a nation. A Mr. Livingston, a passenger in the commodore's ship, is an excellent specimen of an American, being well-bred and thoroughly well-informed."

This candid, liberal writer says, in another place: "Commodore Crichton and four or five of his officers dined with us yesterday; they are sensible and agreeable men. One, a Captain Deacon, has his son on board, a very fine and interesting child, eight or ten years of age. It was pleasant to see the kindness and affection displayed towards this boy by the messmates of his father. It was almost feminine. But there is, I think, a peculiar benevolence in the breasts of sailors, that disposes them to protect the less strong. There is a great gravity in these American seamen, yet it is wholly distinct from dullness, and seems to be the result of reflection. It sits well on them—better, in my opinion, than gaiety would.

It was gratifying to me to hear the regret expressed by the Americans for Byron. He would have been pleased at this homage, rendered to him by the individuals of a nation he respected; for he was kindly sensible to kindness, and had experienced too little of it from his compatriots not to appreciate it from others."

The United States ships BOSTON, LOXO and CONSTELLATION, Kearney, for China, were in Saldanha bay, C. G. H. 29th July.

The United States sloop of war DECATUR arrived at Montevideo previous to the 27th July, in 14 days from Rio Janeiro.

STATES OF THE UNION.

BUSINESS AND PRODUCTS OF THE UPPER LAKE COUNTRY.

A gentleman who has for a great number of years been largely engaged in the forwarding business on the canal and lakes, had occasion a short time since to go to Chicago. On the steamboat he fell in with a Chicago man, who appeared by no means inclined to disparage the business and prospects of his town.—Among other things, he said that between the close of navigating the season, and its opening next spring, no less than three hundred thousand bushels of wheat would be received and stored at Chicago alone. This seemed so incredible that it was received with a strong expression of disbelief, and the conversation at last ended in the making a bet of \$500 that the Chicago man's statement would not prove true. On arriving at that port, our forwarding friend narrated the matter to his agents and correspondents there; who assured him that, according to their best information, the amount of wheat in store at Chicago thousand bushels; and the upshot of the matter was, he backed straight out of his bet.

We learn that wheat is brought into Chicago from a distance of 150 miles, and the procession of teams as they come in, to an eastern man, is a very novel and interesting sight. The freight is carried in large wagons, called "Prairie schooners." Each caravan—for, from the various sections of country, they go in numbers sufficiently large to entitle them to that appellation—has its captain.

They camp out nights, and each man carries food for himself and team, so that a fortnight's journey is made at little or no expense, save that of time. On arriving at the suburbs of the town, the captain goes in with a sample of his grain. A bargain is made for the whole brought by the caravan, and the next day, with the money in his pockets, or in goods for his family, each countryman is wending his way homeward.

At Michigan city and other principal towns on Lake Michigan, the same scene is daily exhibited. An immense amount of surplus produce is already accumulated at ports on that lake, but a bushel, comparatively, will reach the eastern market this season. The price of flour there will be ruled by the supply furnished by the eastern states and Ohio. Are not the eastern people deeply interested in so improving the harbors of Lake Michigan, that the products of the upper lake country shall not, as now, be necessarily kept back from market. [Buffalo Com. Adl.

MAINE.

THE GENERAL ELECTION. We have not yet received full returns—Fairfield (V. B.) has in 351 towns 45,673 and Kent (W.) 33,725 votes—scattering 1,800 to 2,000. The legislature will have a large Van Buren majority.

AMENDMENTS OF THE CONSTITUTION. Several amendments to the constitution were submitted to the choice of the people of the state at the late election, and all of them were adopted. The eastern people deeply interested in so improving the harbors of Lake Michigan, that the products of the upper lake country shall not, as now, be necessarily kept back from market. [Buffalo Com. Adl.

CONNECTICUT.

"TYLER CONVENTION." The Hartford Patriot says it is proposed to hold a mass convention in Connecticut, composed of the friends and supporters of John Tyler and his administration, some time in the month of October or November.

HISTORY. No. 133 of Harper's Family Library, just published, is a history of Connecticut from its settlement to the present time, by Theodore Dwight, jr.

NEW YORK.

WHIG STATE CONVENTION. To the Whig Editors of the State of New York. An eventual crisis has occurred in our political affairs. The individual elect-

ed to the second office in the general government, by the votes of the democratic whig party, and by an inscrutable dispensation of Providence called to fill the place for which the lamented HARRISON was designated, is declared by the representatives in congress of our party, to have forfeited their confidence, and to have "voluntarily separated himself from those by whose exertions and suffrages he was elevated to that office through which he has reached his present exalted station." He is represented to have withdrawn his confidence from his real friends, and to have been from the members of the cabinet selected by his predecessor, approved by the unanimous voice of the democratic whigs of the union, and invited by him to continue his chosen counselors; and to have trusted and been deceived by the false promises of a man distinguished by a faithless opposition to every measure in which we have so long contended, and which have received his own sanction.

We are informed from the same source that he has capriciously exercised that last remnant of kingly power left in our constitution, of public opinion against the undoubted expressions of public opinion through the legislative body, and in violation of his own previous assurances. And we now learn that what may be deemed the first step of conciliation towards his and our political antagonists has been taken by the appointment to one of the most important posts in the treasury department, of a decided adherent to Mr. Van Buren, and who, for that cause only, had but been removed from the same post.

Although much has been accomplished by our indefatigable, zealous and patriotic members of congress, by the passage of laws rendered equally by the necessities and the will of the country, and an indication has thus been given, of what an administration of the government conducted upon whig principles may accomplish, yet it is not to be disguised, that still, under the present administration, we cannot expect that cordial cooperation between the legislative and executive departments, which is so essential to the successful discharge of the duties devolving upon them.

In this emergency, the spirit of our institutions provides a means of relief, by an appeal to the public sentiment. The great principle of our government was composed of so large a majority of the citizens of the union at the last contest, has important and patriotic objects yet to accomplish. Its principles are identical with those of the fathers of the republic, and are, as we religiously believe, essential to the continuance of the free government, to the happiness and prosperity of the people. Temporary appointments and transient misfortune can neither subvert nor dispirit such a party. But to enable it to rally upon its principles, there must be unity of object and concert of action. These can be secured only by a full, free and dispassionate interchange of opinion among its members, and the determination, unanimously and unitedly to carry out and fully sustain the will of the party. Representatives fresh from the people, will be able to communicate and concentrate public opinion, and thus furnish the landmarks and guides for future action.

For this purpose, the central executive state committee appointed by the last whig state convention, with the advice of many distinguished political friends, invite the several counties of this state to appoint as many delegates as they are entitled to members in the house of assembly, to represent them in a STATE CONVENTION to be held at Syracuse on Wednesday, the 6th day of October next, at 10 o'clock A. M. to deliberate on the condition of our public affairs, and to adopt such measures as may be deemed expedient to maintain the integrity of the whig party—to give success to its principles and objects—and to prevent a return to power of those from whom the whole country, and this state in particular, have suffered so much and so long.

LEWIS BENEDICT,
JOHN TOWNSEND,
SAMUEL STEVENS,
J. L. SCHOOLCRAFT,
JAMES HUNTER,
ROBERT THOMPSON,
SANDFORD COBB.

State Central Committee.

Albany, September 17, 1841.

GOVERNOR SEWARD has offered a reward of \$250 for information which will result in the conviction of any individual engaged in stealing the two field pieces from Cayuga county, or the gunpowder from Lockport.

NEW YORK AND ERIE RAIL ROAD. We learn from the New York Commercial Advertiser, that there are at this time about three thousand men at work on the line of the New York and Erie rail road. The disbursements of the company for labor are now be-

The senator has indulged his fancy in regard to a certain *cabal*, which he says it is alleged by rumor (an authority he seems prone to quote of late) has been formed for the wicked purpose of breaking up the regular cabinet and dissolving the whig party. Though the senator is pleased to acquit me of being a member of this supposed *cabal*, I shall show myself inferior, from this circumstance, to the attitude with which I have been forward to defend the motives and conduct of the president, that I was at least a member of his *privy council*! I thank God, Mr. President, that in his gracious goodness he has been pleased to give me a heart to repel injustice and to defend the innocent, without being laid under any special engagement, as a *privy councillor* or otherwise, to do

justice to my fellow-man; and if there be any gentleman who cannot find in the consciousness of his own bosom a satisfactory explanation of so natural an impulse, I, for one, envy him neither his temperament nor his philosophy. If Mr. Tyler, instead of being a distinguished citizen of my own state, and filling, at this moment, the station of chief magistracy, responsibility, which entitles him to a candid interpretation of his official acts at the hands of all his countrymen, had been a total stranger, unknown to me in the relations of private or political friendship, I should yet have felt myself irresistibly impelled by the common sympathies of humanity to assist him in his defence to the best of my power. And now I have seen him this day so powerfully assailed for an act, as I verily believe, of conscientious devotion to the constitution of his country and the sacred obligation of his high trust.

The honorable senator complains that, in my reply to him, I unjustly represented him as censuring and arraigning the conduct of the chief magistrate. He asks if he used any such language as *perfidy*. I did not say that he used the word *perfidy*, but that his allegations resolved themselves substantially into the charge of perfidy against the president. And is not this true? I appeal to those who heard him, if I would appeal to the honorable senator himself, in his own remarks, if two-thirds of his speech did not consist of imputations, more or less direct, on the president, for violation of his faith, express or implied, to his party and the country? Did he not begin his speech with reading and dwelling upon a passage in the inaugural address of the president, which he contended amounted to an engagement on the part of the nation to sign such a bill as had been presented to him? If so, what is his veto message, now before us, but a violation of that engagement, or, in other words, a breach of faith, an act of perfidy to the nation? Again, did not the honorable senator say, if the course which the president had taken in the matter had been anticipated, either by the Harrisburg convention or by the people at the polls, he would not have received an individual vote in the former or a single electoral vote from the latter? Does not this imply a disingenuous suppression, something like a fraudulent concealment, of the vote of the president, but, which, if true, would, under the circumstances, have been grossly inconsistent with the principles of good faith? How little foundation there is for any such imputation, I flatter myself I must have fully demonstrated to the satisfaction of the senate in the remarks I had the honor to make in my reply to the first speech of the senator from Kentucky.

The honorable senator also insisted with great earnestness, that the veto of this bill, under the circumstances in which the president stood, was so exceptionally a proceeding that, rather than to have resorted to it, it would have been better for him to have *declined the responsibility* of his high station, by permitting the change which he had been asked to make on the measure, or otherwise to have *resigned his office* and left the government without an elective head! Could any thing convey a stronger or more pointed condemnation of the president's conduct than to hold up either or both of these extreme and inadmissible alternatives, as preferable to the course he actually adopted. But the senator alleges that he did not say the president ought to have resigned. Did he not, however, argue most zealously to show that *consistency* with the president's own conduct and principles on a former occasion, when he held a seat in the senate, would require him to resign, if he had not already resigned on the present? What was this but to urge the senator's resignation by the strongest appeal, personal to himself, and derived from his own example? Is it not mere special pleading, then, for the senator now to allege that he did not say the president ought to have resigned? When the whole tenor of the senator's speech was characterized by such pointed and significant reprobations of the president's conduct, could the lavish and ostentatious professions of personal regard and respect, to which the senator now appeals as evidence of the spirit of his speech, be viewed in any other light than as a bitter mockery?

The honorable senator still insists that the question of a bank was an issue solemnly decided in the presidential election. I thought I had shown, by irrefragable proofs from the record, when I first addressed the senate, that this issue was not made in the presidential election, and that the candidates of the president and of the senate, who were elected, had no declared opinions of the candidates selected both for the presidency and the vice presidency, could not have been intended to have been made. But the honorable senator tells me this is all a sheer delusion on my part, and arises from the idea he is pleased to say is the common notion of us Virginians, that the sentiment prevailing in Virginia as the sentiment of the whole union.

[MR. CLAY. I spoke of some peculiar opinions existing and in operation among the people of Virginia.]

The peculiar opinions of the people of Virginia, (continued Mr. Rives), I had hoped would never be considered a reproach by any native son of Virginia; and the taunt, coming from the honorable senator from Kentucky, himself a native son of our ancient commonwealth, of the most modest character, and with all possible respect for the honorable senator, I will tell him, if he will allow me, what is an error that he himself seems very prone to fall into. It is, to think that his own personal opinions must, of necessity, be the opinions of the country; and because the senator is a native son of the state, he is, therefore, and he says, vital issue in his own mind, he concludes that it ought to have been, and was, the prominent and vital issue in the minds of the people also.

I beg leave to say that my horizon in the presidential canvass was not quite so limited as the senator seems to suppose—not confined exclusively to Virginia, "either above or below the water;" to admit his political geography of our state, visited other and leading states, during the progress of the canvass, and sought information from them all. I would remind the honorable senator of what passed on this floor, a few weeks since, in his own hearing, as to the Kentucky election in the presidential canvass, and the importance of all the states in the late election. When the honorable senator from New York who sits behind me (Mr. WADSWORTH) appealed to my honorable friend, his colleague, who sits near me, and inquired of him if any thing was said by himself, or the opponents of the administration, generally, to the presidential canvass in that state, about a bank of the United States? My honorable friend replied, "no; we were so much occupied with the sub-treasury that I could say nothing about a bank of the United States." I would appeal to my honorable friend now on this point.

[MR. TALLMAGE. I attended altogether to the sub-treasury.]

Mr. Rives. That, so far as the financial question was concerned, was every where, within the limits of my observation, the course of political discussion by my friends, who thought the interests of the country demanded a change of administration. "Sub-treasury or no sub-treasury" was the issue, and not bank or no bank. So odious was the sub-treasury to the friends of the United States government, that it terminated was the opposition of a republican people to it, that they resolved to put it down at all hazards, willing to leave to the future, and to the wisdom and deliberations it would bring along with it to decide which of the various plans that had been or might be suggested should be substituted in the place of it.

[MR. TALLMAGE. Although I did not discuss the matter myself, still the newspaper organs of the late administration displayed at their head "independent treasury, and no national bank."]

Mr. Rives continued. I know full well that our adversaries were eager and anxious to force the issue of a national bank upon us. But we declined it. I had the honor myself of being in the empire state, in the very crisis of that great political contest which had broken up the fountains of that mighty deep, so long swayed by the leaden sceptre of party discipline. I met my honorable friend there in a noble assemblage of his countrymen, embracing ten thousand enlightened and gallant freemen, collected from every quarter of that great and glorious republic, and they were for our common country; and, while all voices were raised in unanimous reprobation of the odious sub-treasury system, not a solitary word was uttered pleading the merits of a national bank. If the history of the late canvass could be impartially and faithfully written from contemporaneous materials, such, I am convinced, would be found to have been its actual course, in at least, three-fourths of the states of this union.

The senator from Kentucky has remained me—rather ungraciously, I think, considering how long he has been a spectator of the scene under the shade of the humble half-way house, (the state bank), for which he supposes me still to retain a preference. For four long years did the honorable senator himself inhabit this half-way house, valiantly defending it with all the vigor of his powers and eloquence against the fierce assaults of the enemies of the late administration; and, if I am not greatly mistaken, even late as the celebrated Hanover speech last summer, he recognised it to be a fair competitor of his own preferred expediency (a national bank) for the public favor, declaring that the choice between them should be left to the people, and not to the deliberation of the people.

[MR. CLAY. You are mistaken. I recognised it only as a *pis aller*.]

Mr. Rives. A *pis aller* is about as much as is left to us. Not having the speech of the honorable senator

before me, I will not now contest the matter with him, though I may take occasion hereafter to refresh the recollection of the senator. What, sir, was the bill of the senator which was sent to the president but a *pis aller*? According to the senator's own statement it was a very different thing from what he would have made it. In its location, in its name and character, it was not a *pis aller*, nor a *pis aller* section, which the senator tells us he introduced in a spirit of the extreme concession, he agreed to make it a very different thing from an old-fashioned bank of the United States, the *beau ideal* of currency and finance in the eyes of the senator. The senator's own bill, I think, was but a *pis aller* to the *pis aller* be much choice, I presume, between one *pis aller* and another.

The senator from Kentucky says he found me several years ago in this half-way house, which, after the thorough riddling the roof had received in the breaking up of the pet bank system, he had supposed I could have inhabited no longer. I could I find it in my heart, Mr. President, to abandon it when I found the honorable senator from Kentucky (even after what he calls the riddling of the roof) so anxious to take refuge in it from the ruins of his own condemned and repudiated system, and where he actually took refuge for four long years, to have offered assistance. When I first had the honor to meet the honorable senator in this body, I found him not occupying the humble but comfortable half-way house, which has given him shelter from the storm for the last four years, but a more lovely mansion, gaily to look upon, but altogether unsuited to inhabit, old, decayed, rat-cann, which has since tumbled to the ground, with its own rottenness, devoted to destruction alike by the indignation of man and the wrath of Heaven. Yet the honorable senator, unamiable of the past and heedless of the warnings of the present, which are still ringing in his ears, will do nothing but the instant re-construction of this decayed edifice. And, in the teeth of my explicit declaration that I was for regulating the custody of the public money by *law* before our adjournment, he says I am for going home, leaving the treasury and the country in a lawless condition.

I owe it to myself, Mr. President, before I close, to say one or two words in regard to this gorgon of a cabal, which the senator tells us, upon the authority of dame Ruwor, has been formed to break up the cabinet, to dissolve the whig party, and to form a new or third party. Although the senator was pleased to acquit me of being guilty of this supposed calumny, he yet seemed to have some lurking jealousies and suspicions in his mind on the subject. I will tell the honorable senator, then, that I know of no such cabal, and I should really think that I was the last man that ought to be suspected of any wish or design to form a new or third party. I have been shown nearly at all times reside under a *party* influence, and under control from any quarter. All my humble judgment, tends, in its modern degeneracy, to tyrannical, and is attended with serious hazard of sacrificing an honest sense of duty, and the great interests of the country, to an arbitrary law, directed by other aims. I desire, therefore, to take upon myself no new party bonds, while I am anxious to fulfil, to the fullest extent that a sense of duty to the country will permit, every honorable engagement implied in existing ones. In regard to the breaking up of the cabinet, I have hoped that I was far above the suspicion of having any other ulterior intention than to do good to man. I have never sought office, but have often declined it; and will now give the honorable senator from Kentucky a full quit-claim and release of all cabinet pretensions now and forever. He may rest satisfied that he will never see me in an cabinet, under this or any other administration. During the brief remnant of my public life, the measure of my ambition will be filled by the humble, but honest, part I may be permitted to take on this floor in consultations for the common good.

Having disposed of this rumor of a cabal, to the satisfaction, I trust, of the honorable senator, I will tell

"Mr. Rives' version of the Hanover speech seems to be abundantly sustained by the following extracts from it:—*"Whether these ends," said Mr. CLAY, "indispensable to the well-being both of the people and the government, are to be attained by sound and safe state banks, carefully selected and properly regulated, or by the establishment of United States banks, under such limitations, conditions, and restrictions as have been indicated by experience, should be left to the arbitration of enlightened public opinion."*

And again he says: "It is to secure certain objects, without which the government cannot exist, and to which by my apprehensions, these objects can be accomplished by dispensing with the agency of a bank of the United States and employing that of state banks, all ought to rejoice and heartily acquiesce, and none would more than I should."

him of another rumor I have heard, which, I trust, may be equally destitute of foundation. Rumor is busy in alleging that there is an organized dictatorship, in permanent session in this capital, seeking to control the whole action of the government, in both the legislative and executive branches, and sending deputation after deputation to the president of the United States, in order to get things done in his terms. I do not vouch for the correctness of this rumor. I humbly hope it may not be true; but if it should unfortunately be so, I will say that it is fraught with far more danger to the regular and salutary action of our balanced constitution, and to the liberties of our people, than the secret cabal that ever has existed or ever will exist.

THE McLEOD CASE.

SPEECH OF MR. ADAMS, OF MASS.

ON THE RESOLUTION CALLING FOR INFORMATION IN RELATION TO THE McLEOD CASE.

House of Representatives, September 1, 1841.

Mr. BOARDMAN, of Connecticut, after a call of the house to which I had responded, called for the yeas and nays on a motion yesterday made by him to lay on the table the following resolution:

Resolved, That the president of the United States be requested to inform this house, if not incompatible with the public interest, whether any officer of the army or the attorney general of the United States has, since the 4th of March last, been directed to visit the state of New York for any purpose connected with the imprisonment or trial of Alexander McLeod; and, if so, to communicate to this house copies of the instructions to, and report of, such officer; and that, by any executive order, or by any ordinance, the British government has been given to understand, the British government will be released or surrendered.

Mr. ADAMS requested Mr. BOARDMAN to withdraw his motion. He (Mr. A.) had not expected to address the house on the resolution, but as it appeared that the house had nothing else to do just now, if he could have an opportunity, he would submit his views upon some of the topics which had been introduced into the discussion. He therefore asked his friend from Connecticut to withdraw his motion.

Mr. BOARDMAN said he had yesterday made the motion to lay the resolution upon the table, because it had occupied the morning hour from the commencement of the session. His opinion that the discussion had been continued as long as was profitable for the house or country. But since he found that the honorable gentleman from Massachusetts (Mr. ADAMS) desired to address the house, he had changed that opinion, and he would with great pleasure withdraw his motion, upon the expectation, however, that the honorable gentleman would, upon concluding his remarks, renew the motion to lay the resolution on the table.

Mr. ADAMS was understood to make a conditional promise so to do, if no gentleman desired to reply to remarks which he (Mr. A.) might make.

The motion to lay the resolution on the table was at length withdrawn.

Mr. ADAMS said: Mr. SPEAKER: I have been of opinion that this resolution has occupied far more of the time of the people in this house than it ought, and had fully determined not to add to this superfluity of discussion one word of my own. But after coming into the house this morning and finding a nation pending to lay the resolution on the table, and the yeas and nays taken on that question, I thought also that the house had nothing else to do, a sudden impulse urges me, all unprepared, to ask the indulgence of the house to present some of my views upon the subject, and if they should prove desultory and disconnected, to overlook that infirmity without holding me to a regular course, and without offering itself, but allowing me to touch occasionally, at least upon topics collaterally connected with it.

And first, I observe, that we have one great and most formidable issue, of peace and war pending between us and Great Britain; and the first question which occurs to me is, what is the object of this resolution? for we have before us the question of what purpose has the house been agitated with it from the very commencement of the session to this day? The gentleman who offered the resolution disclaimed all party purposes—he breathed in a lofty atmosphere, elevated high above that of party; but what sort of complexion were both the friends and the opponents of the resolution put upon it? No party complexion! Oh no! [Laughter.] No! was patriotism—pure patriotism—patriotism pure and unfeigned! [Renewed laughter.] Well! he was disposed to give gentlemen, on all sides of the house, credit for whatever patriotism they professed; but

sure it was that patriotism was a coat of many colors, and suited to very different complexions; [laughter]; and if it had not been for that universal complexion of patriotism, and no party which had rung through this house from every gentleman who had supported this resolution, he should have felt bound to believe it the rankest party measure that ever was introduced into the halls of Congress! For what is this resolution? The United States are at war with Great Britain; in their relations of peace and war, with the most powerful nation on the face of the globe—a nation as, by the gentleman aimed at by this resolution, was most strikingly said, the tap of whose revolved drum, beginning with the rising sun, travels with his lightnings over the whole world.

This nation we have already one great and formidable question festering to an issue, and in which we are clearly right, and she is clearly wrong. Now I, for one, am not disposed to multiply issues with her, and most especially not for tending to her abuse, and upon which she is clearly wrong; and upon which she is far better prepared for immediate aggression or defence than we are or can be. For upon that very border where this resolution tends to provoke hostile invasion, she is armed upon the extreme side, and the most powerful. She has stationed there in military array an army nearly double in number to the whole army of the United States—an army well appointed and ready to strike at a word. And you have a line of states and a populous border, with nothing but a river between a European and British army, who, at a signal from their commander, can sweep through a thousand miles of your country with fire and sword and desolation, and fall back into their strong holds beyond the river, almost before the knowledge of their incursion could reach this metropolis of your country.

Now, with regard to the northeastern boundary, the line of our side, and the border of the United States of Great Britain. We can concede nothing. Our right must be maintained—peaceably if we can, forcibly if we must. For I say to this house, that from the bottom of my soul I believe we ought, if called upon and required, to put forth our whole strength, and sacrifice the blood of our country in this nation to maintain our rights upon that issue. With regard to the other question, I would say that I am not disposed to make unnecessary additional issues upon matters which have no immediate connexion with that; for I believe that the award of impartial justice to the case against the United States of this resolution? It is to make an issue with Great Britain—an issue of right or wrong upon the affair of the burning of the Caroline. No, sir; never shall my voice be for going to war upon that issue. I hold it, in the first place, as a maxim, that American blood should never be engaged in the contest of a war with Great Britain, to be extremely careful not to multiply issues with that country. We have now one which is full enough to exercise us for years to come, and the cost is much more than I am willing to speak of at this time, and that issue must come, as I have said, and certainly would not avoid it by any sacrifice of any kind. But while I say that, I will not multiply the issues; and more especially I will not add to that issue other issues, upon which, when we go to a third power to arbitrate upon it, they will say we are wrong. Go to war, and the fair fields of the state of New York may be deluged in blood. The state of New York may be the theatre of our enemies, and irreparable injury will be done to its people. And if the issue must be terminated with peace, as it must be, either by negotiation between the parties themselves, or through a third power, the issue will be decided against us. We shall be told by the other nation that it is not the thing for us to quarrel about.

I have not the time, if I were possessed of the information, to give a history of the affair of the Caroline; and it is known as much to every member of the house as it is to me. We have heard a great deal of talk about territorial rights, and independence, and rights. But rights, the rights of the United States, and other nations do not look much to your state rights, nor to your independence questions. They will not talk of your independence; but they will say who is right and who wrong. Who struck the first blow, I take it, will be the main question with them. I take it that the heart of the Caroline there was no act of war committed. Nor do I subscribe to it that every nation goes to war only on issuing a declaration or proclamation of war. This is not the fact. Nations often wage war for years, without issuing any declaration of war. The ques-

tion is not here upon a declaration of war, but acts of war. And I say, that in the judgment of all impartial men of other nations, we are held as a nation responsible; that the Caroline, there, was in a state of war against Great Britain; for purposes of war, and the worst kind of war—to sustain an insurrection; I will not say rebellion, because rebellion is a crime, and because I heard them talk of as a "warrior." Yes. But what was your steamboat doing there? If we were to discuss the matter, if we were to do it, we would be bound to do it avowedly and above board; but we disclaimed all intention of taking any part in it. And yet there was very little disguise about this expedition; and that this vessel was there for the purposes of hostility against the Canadian government. Therefore, the first blow, and we struck the first blow; and if, instead of pressing this matter to a war, we were to refer it to a third power, even if it should be to a European republic, if any such thing is remaining, and should say there has been an invasion of our territory, we would be held as a question something like that which was put to a character in a play of Moliere—*Que diable allait il faire dans cette galère?*—What the d—l had he to do that gallery?

[Great laughter.]

Now, I think the arbitrator would say, "What the d—l had he to do with that steamboat?" The d—l had that we struck the first blow. Now admit that—and none of your state rights men can deny it—admit that, and all the rest follows of course. They will say it was wrong—abstractly, if you please. Talking of abstractions, it was wrong for an expedition to come over and burn the steamboat, and send her and the crew to the bottom of the sea. What had she been doing? What was she to do next morning? And what ought you to do? You have reparations to make for all the men and for all the arms and implements of war which we were transporting and going to transport to the other side, to foment and instigate rebellion in Canada. There is what the third party would say to us. And it would come, in the end, after all the blood and treasure had been wasted by a war between the two countries, to this, that we must shake hands and drink champagne together, after having made a mutual apology for mutual bloodshed. This is the way in which we are settled between individuals. As I said so, why I said so; and thus the dispute is amicably settled. So we should have to do with this national matter; for there is not any great difference, in the essentials of quarrelling and making up, between nations and individuals. See a fight on the street between two boys, who give each other bloody noses; and, when the question comes to be settled between them, the basis of the settlement is, who gave the first blow? And the award of any honest umpire is, after suffering the parties to fight it out, that he who struck the first blow is in the wrong, and the other is in the right. Why, then, are you talking of state rights and of independence in connexion with this question? It has nothing to do with it.

There is, sir, another point of view in which I object to this resolution. I have seen here, in another part of this building, to which it would not be in order to refer except indirectly, although I did hear, that a gentleman had taken the stand, and had said, "I have a body that I thought I almost had a right to get up and protest against it. But I will not refer to the matter except in terms which come within the rules of order." I have heard there, and seen in the newspapers out of doors, a prodigious affair made of this resolution, and the trial of Alexander McLeod. It outraged the state of New York—because the great empire state of New York had undertaken to say that she would hang McLeod, whatever Great Britain or the general government might do. Yes! whatever they might do, the great empire state of New York would hang him. I have heard there, and seen in the newspapers, "What, sir, I ask, is the object of this resolution?" To inquire of the president of the United States whether any officer of the army, or the attorney general of the United States, since the 4th of March last, has visited the state of New York for any purpose connected with the trial of Alexander McLeod.

I believe that question was answered before it was asked. I think the information was contained in a document communicated by the president of the United States, which stated not only that a general was sent, but that instructions were given to the attorney general, and the attorney general was communicated to congress, with the president's message, at the very commencement of the session.

Why, then, should this house be occupied hour after hour in discussing whether the attorney general was sent to New York, and what he said there, and

when the president himself has told you that he was sent and the object of his mission.

Every body knew it before the question was asked. What then? Had you a right to send the attorney general to New York on any other subject? Where is the constitutional provision prohibiting him from sending the attorney general to New York on that or any other of the subjects which are before the judicial courts of that state? Yes, the constitution will not permit with this, and so to his instructions. And I have heard here, on the part of some of my forty friends from New York, a great deal about the conscious dignity and honor of this *empire* state of New York. Now, I am not very fond of that term "empire state," in the language of this country, and I say so, because it is a distinction not recognised in the constitution of the United States. They are all, as members of this union, equal; and the state of Delaware has as good a right to be called the "empire state" as New York. Now, if my forty friends from New York choose to call it the empire state, I will not quarrel with them. It is only as to consequences that I enter my caveat against the too frequent use of those terms on this floor; for there is meaning in those words "empire state" when used among co-states, more than meets the ear. Suppose it is in Delaware that such an error has been committed, do you suppose my friend here, Mr. ROBERTS, from Delaware, would have offered such a resolution as this? And, by the terms of the resolution, I should presume that my friends from New York think there is a little more dignity and power in having forty representatives than only one.

And now, let me give you the view in which I ask the attention of the house to this resolution. At the very time when we have this great issue upon another point with the British nation, and when this resolution, and every thing connected with it, is blowing the coals to make another issue, there is behind it another and another issue between this government and the state of New York. What is the object of that? Are you going to war with a foreign nation? And is that a time to split hairs in questions of jurisdiction between the government of the United States and that of one of the separate states? And are you to be split up by the question "which of you two has the right, the precious right, to hang McLeod?" Are you going to make an issue between the state of New York and the government of the United States upon such an exercise of power as that? Are you going to show your *weakness* at the present moment when you are beating the air with this dog that the time to make an issue between the government which represents the whole country, and the state as to its power? God forbid that I should question its power; but I inquire, is it politic or wise to make a quarrel between that government and this, about the most insignificant of all questions, as to which of you shall release McLeod? For, while some gentlemen talk about hanging McLeod, others, more merciful, talk as if it should turn out that this man was concerned in the affair of the Caroline, yet that there was a power in the state of New York that might prevent his execution;—that the governor of New York has a power of pardon, as well as the general government; and that the attribute of mercy would be exercised with as much discretion by the governor of New York as it would be by the president of the United States. But I see nothing in the correspondence which has been laid before us that would justify this question. It is not the law in New York would not be carried out, according to all its rights, and all its dignities, and the man be released without the necessity of a resort to the authority of the general government.

I am perfectly satisfied, for my own part, if it should so happen that the evidence is strong enough to satisfy the governor of New York, that he will exercise the pardoning power, and send him on with an admonition to go and sin no more. That can be done without any entrenchment on the honor and dignity of the state of New York. From the first moment to the last, the question which has struck me is, whether you will or will not let him name. Then is there only question in issue between Great Britain and the United States. Great Britain will not go to war to settle a question of jurisdiction between the general government and the state of New York. They will not go to war with you if the man is sent home—then you will let him name. Then has been used on two floors, it ultimately comes to this; which of the two governments shall release McLeod? Now, I say, what is all that for? Why is it that the government of the United States must be arraigned by the go-

vernment of the state of New York, and this made a question of war between us and Great Britain? Why should not the matter have been allowed to go on according to the correspondence between the two governments? No, sir, we have had long discussions about war, declared and not declared, lawful and unlawful, by a judge of the supreme court of the state of New York, and here and elsewhere; long discussions in relation to the maintenance of state rights, according to the correspondence between the two governments; your state rights into execution; suppose you have the man, then the people of New York will exclaim: "There is our independence; there are our state rights; you see that we have hung the man." Now, what next, I would ask the constituents of the general government? Will you have the representatives of the counties he represents are ravaged by the enemy, and when thousands and tens of thousands have been slaughtered, wives have been made widows and their children fatherless, I would then ask of him if he would have the thanks of his constituents? And the question of ask him. I also ask of the representatives of the state of New York; of the representatives of the state of Pennsylvania; of the representatives of the state of Ohio; and of the whole line of those states which are more liable to the incursions which would take place by the enemy without any declaration of war, who would come and butcher your people, and burn and destroy your property, and return immediately and take their places in their defences before you could raise and organize a force to save them. What would you do? Would you offer a resolution to inquire whether the officer of the army had been there, or whether the attorney general had been sent there, or whether any concession had been made to the British government? No such question would be asked. I have, indeed, no doubt that after the country had been ravaged, there would be vigor and bravery enough in it to raise and defend the country, who would come and butcher your country, and burn their property and destroy their wives and children too, and what satisfaction would that be to you.

If gentlemen would look into the history of Scotland and England, they would there find numerous examples of the kind, and I do not think that the wars were carried on between the Scotch and the English. Gentlemen would there see what might be the consequences here if this resolution were carried into effect.

It is but a few days since I heard a gentleman from New Hampshire, (MR. EASTMAN,) say, with some pain and sadness, that if the present secretary of the United States should have been a man of peace, war with England; and there was a great deal meant by that remark. And the gentleman seemed to think this a lamentable condition of affairs. I firmly believe it to be true; but I had a very different feeling from that gentleman, and I say, would be praiseworthy, to preserve peace between the two countries. And, however long or short the gentleman's career may be, he will not see any improper concession to Great Britain sanctioned by the present secretary of state, whether in peace or war. With respect to the present question, I have no doubt the gentleman alluded to would show as much firmness as any member of this house. And one of my reasons for troubling the house at this last expiring moment of the session is, that I might vindicate the conduct of that gentleman, and do him justice; for great injustice has been done him in regard to his remarks and correspondence. I have a report of a recent article in his part of that correspondence but what I would endorse. And I say, if it is conciliatory, if it has any tendency to soften the asperities and rancor that may exist between the two countries, so much the better; and I know it has had that effect. What did you say, sir, when you were making a report of a recent article? Why, your minister at the court of St. James was panic struck, and sent a message to your squadron in the Mediterranean to run away—to fly as fast as the winds could blow them—for John Bull was at their heels! [Laughter.] It is very much the same story, and I have seen it in the newspapers. The gentleman from Pennsylvania, (MR. INGRAM,) spoke of this transaction, the other day, just as I would speak of it in general terms; but he did not at all question the propriety of the conduct of that gentleman. I say not so. I say that he has disgraced the name of the United States, and has been disgraced since the affair of the Chesapeake frigate. What will the Germans, what will the Italians, what, in short, will all the great nations of Europe say of the people of the United States? That, upon a panic terror of their minister at London, they showed the white flag, and that the off-boat-sailer in the Mediterranean was warned to seek refuge by flight from the thunders of Britain!

And there is another point of view in which I do not approve his conduct. The gentleman has been

at London four or five years. I do not believe there was at London a charge from any country in Europe but knew better what was done and doing in the privacy of council. I was a business of a foreign minister abroad, but to find out what is doing in the privacy of council. I speak from experience when I say that Mr. Hughes would have been informed of such orders in council, had they been issued, and of course would not have been frightened by every newspaper explosion of popular wrath into a belief that the grave and responsible minister of this nation had resorted to such an extremity at such a moment.

There was one memorable case of the address of Mr. Hughes in procuring documents of the profoundest secrecy. Mr. Stratford Canning came to me one day, and said that he had permission to read to me a paper of great importance, emanating from his government in their negotiations with the European alliance. He read the paper, and then, when I asked him if he had finished, I asked him if he would let me have it for half an hour, that I might lay it before the president, Mr. Monroe, for his perusal. He said he was forbidden to let it go out of his own hands; but that, if I desired, he would go with me to the president's house, and read it to him. This I did not do. I contented myself with making, from memory, a verbal statement of its contents to Mr. Monroe, and within three days after I received a copy of that same paper from Christopher Hughes. The next time Mr. Canning came to me, I said to him that he had needed not to have been so often interrupted, and that I despatch which he would not allow me to take for half an hour to the president for his perusal, for we now had a copy of it. He was amazed. A copy of it said he. He clapped his hands on his two waistcoat pockets, took the key of his desk out of one of them, held it up, and said: "That is the key to a good lock; and that paper has been under that lock and key every moment since I received it, except when in my own hands. I said, do not suspect any one about you. We are not in the habit of purchasing secret papers from domestics or secretaries. We have got it from a great distance."

Yes, I had a copy of that document, perhaps the most secret as well as the most efficient of the diplomatic papers of the United States, in the hands of the holy alliance, and it was procured without any aid by Mr. Hughes, by no improper arts and at no cost of secret service money, but by the art of making friends by his social qualities wherever he goes. I mention this to show what ought to be the qualities of a public minister, and to show that he ought to be a man of friendly, social intercourse with the other members of the diplomatic corps at the same court, with an ordinary portion of sagacity, he has the key to all their secrets. I say it from long knowledge and experience. How was it when this panic letter was written to the commodore of the American squadron? What did the American minister know of the system of policy, foreign or domestic, of the British cabinet? The letter itself proves that he was as blind to it as a beetle; that he was ignorant of the first letters of their alphabet. If he had known any thing of it he would not have disgraced himself and his country by the exposure of his ignorance. If he had known from any personal feeling towards that gentleman, although I have not been an admirer of some of his diplomatic exhibitions heretofore, as the journals of this house may show; but I have looked to this transaction entirely upon its merits alone, and I say that those letters were a disgrace to the United States, and a reproach in the Mediterranean, and their consequences have been disgraceful to the nation; and I, for one, hold the man responsible for it, and say he was not doing his duty, or that he neglected some of the most important parts of his duty as a public minister. But this is somewhat of a digression, and I am intimately connected with the McLeod question of peace or war; for what must the privy council and her majesty queen Victoria herself, who, I dare say, all woman as she is, has more fire in her heart than ever to have sitten down and written a letter like that—which must have been a private communication, and not a matter of it? They would say, God grant that this man may remain here as Jonathan's minister till the end of time; we may be sure he never will know any thing of our real intentions, and will always have a becoming reverence for the terrors of the beak and lightning of the eagle, and the British eagle, and blundering rashness enough to put out the eyes of the man who

To return to the subject of this resolution, and as to whether the British government have been given to understand that McLeod will be released or surrendered. What, I ask again, is the purpose of this

Secs. 3, *And be it further enacted*, That from and after the passage of this act, the drawbacks payable on exported refined sugars, manufactured from foreign molasses, and on exported rum, distilled from foreign molasses, shall be reduced in proportion to the reduction which shall have been made by law (after the passage of the acts of congress of the twenty-first of January, eighteen hundred and twenty-nine, and twenty-ninth of May, eighteen hundred and thirty, allowing said drawbacks), in the case of the imported sugars and molasses, out of which the same shall have been manufactured or distilled, and in no case shall the drawbacks exceed the amount of import duty paid on either of those articles.

Sec. 4. *And be it further enacted*, That prior to the second day of February next the wines of France shall not be subjected, under the provisions of this act, or any existing law, to the payment of higher rates of duty than the following, namely: on red wines in cases six cents a gallon; white wines in cases ten cents a gallon, and French wines of all sorts in bottles, twenty-two cents per gallon: *Provided*, That no higher duty shall be charged under this act, or any existing law, on the red wines of Austria, than are now or may be by this act, levied upon the red wines of Spain, when the said wines are imported in casks.

Sec. 5. *And be it further enacted*, That the act entitled "an act to release from duty, iron prepared for, and actually laid on railways or inclined planes," approved fourteenth of July, eighteen hundred and thirty-two, be, and the same is hereby repealed; and there shall be, laid, collected and paid on, such iron hereafter imported a duty of twenty per centum ad valorem: *Provided*, That such repeal shall not operate, nor shall such duties be imposed on any rail road iron which shall be imported under the provisions of the said act prior to the third day of March, eighteen hundred and forty-three, and laid down on any rail road or inclined plane, of which the construction has been already commenced, and which shall be necessary to complete the same.

Sec. 6. *And be it further enacted*, That nothing in this act contained shall apply to goods shipped in a vessel bound to any port of the United States, actually having left her last port of lading eastward of the Cape of Good Hope, or beyond Cape Horn, prior to the first day of August, eighteen hundred and forty-one.

Sec. 7. *And be it further enacted*, That all laws or parts of laws inconsistent with this act are hereby repealed.

JOHN WHITE,

Speaker of the house of representatives.

SAMUEL L. SOUTHARD,

President of the senate pro tempore.

Approved, September 11, 1841.

JOHN TYLER.

APPROPRIATIONS.

REPORT

OF THE CLERK OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
In compliance with "an act to authorise the appointment of additional paymasters, and for other purposes," passed July 4, 1836.

Office of the clerk of House of Reps. of the U. S.
September 13, 1841.

In obedience to the sixth section of the "act to authorise the appointment of additional paymasters, and for other purposes," passed July 4, 1836, which requires "the secretary of the senate and clerk of the house of representatives, as soon as may be after the close of each session of congress, to publish a statement of all appropriations made during the session; and, also, a statement of the new officers created, and the salaries of each, and also a statement of the offices the salaries of which are increased, and the amount of such increase;" the clerk of the house of representatives submits the accompanying statement.

MW. ST. C. CLARKE,

Clerk of the house of representatives.

Statement of appropriations made during the 1st session of the 37th congress of the United States of America, specifying the amount and object of each.

FIRST SESSION TWENTY-SEVENTH CONGRESS.

H. R. No. 1. For carrying into effect an "act for the relief of Mrs. Harrison, widow of the late president of the U. States	\$25,000 00
H. R. No. 2. <i>An act making appropriations for the present session of congress</i>	
For the pay and mileage of the members of the senate for the present session	68,541 60
For the pay of the chaplain of the senate	500 00
For printing, stationery and all other contingent expenses of the senate for the present session	30,000 00
For the pay and mileage of the members of the house of representatives, including five hundred dollars to the chaplain, for the present session of congress	256,600 00
For the printing, stationery and all other contingent expenses of the house of representatives for the present session	30,836 00
For the supply of stationery for the house of representatives for the second session of the twenty-seventh congress	15,000 00
H. R. No. 5. For carrying into effect an act authorising a loan not exceeding the sum of twelve million of dollars	12,000 00

H. R. No. 6. For carrying into effect an act to provide for the payment of navy pensions	139,666 06
H. R. No. 7. For carrying into effect an act making further provision for the maintenance of pauper lunatics in the District of Columbia	3,500 00
H. R. No. 8. <i>An act making appropriations for various fortifications, for ordnance, and for preventing and suppressing Indian hostilities.</i>	
For repairs of West-head battery, Governor's Island, Boston harbor	5,000 00
For repairs of Southeast battery, Governor's Island, Boston harbor	5,000 00
For repairs of Fort Independence and sea-wall of Castle Island, Boston harbor	63,000 00
For repairs of Fort Warren, Boston harbor	105,000 00
For repairs of old fort at New Bedford harbor	5,000 00
For Fort Adams, Newport harbor	45,000 00
For fortifications in New London harbor, rebuilding of Fort Trumbull, Conn.	35,000 00
For repairs of old Fort Griswold, New London harbor, Connecticut	10,000 00
For completing repairs of Fort Niagara, and erecting and repairing necessary buildings therein, New York	20,000 00
For completing repairs of Fort Ontario, Oswego, New York, and erecting necessary buildings therein	15,000 00
For Fort Schuyler, New York harbor	70,000 00
For repairs of Fort Wood and sea-wall, Bellows Island, New York harbor	50,000 00
For permanent walls for Fort Columbus, New York, and South battery, Governor's Island, New York harbor	12,000 00
For repairs of sea-wall of Castle William and other parts of Governor's Island	7,000 00
For Fort Delaware, Delaware river, provided the title to the Pea Patch Island shall be decided to be in the United States, including twenty-two thousand seven hundred and seventy dollars carried to the surplus fund January one, eighteen hundred and forty-one	50,000 00
For repairing forts at Annapolis harbor, Maryland	5,000 00
For repairs of Fort Washington, Potomac river	35,000 00
For Fort Monroe, Old Point Comfort, Va.	115,000 00
For repairs of forts Gaswell and Johnson, and preservation of the site of the former, at the mouth of Cape Fear river, New Carolina	5,000 00
For Fort Sumter, Charleston harbor, S. Carolina	15,000 00
For commencing dyke to Drunken Dick shoal, for preservation of Sullivan's Island, and site of Fort Moultrie, Charleston, South Carolina	30,000 00
For Fort Pulaski, Savannah river, Georgia	35,000 00
For repairs of Fort Marion, St. Augustine, Florida	20,000 00
For continuing sea-wall at St. Augustine, Florida	5,000 00
For Fort Pickens, Pensacola harbor, Florida	20,000 00
For Fort Barrancas, Pensacola, Florida	45,000 00
For Fort Morgan, Mobile Point, Alabama	40,000 00
For Fort Livingston, Barrataria bay, Louisiana	30,000 00
For repairs of other forts on the approaches to New Orleans, Louisiana	50,000 00
For defensive works, and barracks, and purchase of site at or near Detroit, Michigan	50,000 00
For purchase of site, and for barracks and defensive works at or near Buffalo, New York	50,000 00
For fortifications at the outlet of Lake Champlain, and purchase of site	75,000 00
For defensive works, barracks and other necessary buildings, and purchase of site for a depot at or near the junction of the Matawanekung and Penobscot rivers, Maine	25,000 00
For contingencies of fortifications	15,000 00
For incidental expenses attending repairs of fortifications	55,000 00
For current expenses of ordnance service	25,000 00
For purchase of ordnance and ordnance stores	75,000 00
For armament of fortifications	100,000 00
For purchase of saltpetre and brimstone	20,000 00
For preventing and suppressing Indian hostilities, viz:	
For balance required, in addition to the sum applicable out of the amount appropriated at the last session of con-	

gress, for arrearages of pay due Florida militia called into service by the governor of the territory in eighteen hundred and forty	19,388 02
For arrearages of pay due Florida militia, commanded by Brigadier Gen. Read, for six months in the service of the U. States, commencing November, eighteen hundred and forty, and terminating April, eighteen hundred and forty-one	297,213 92
For arrearages of pay due to a battalion of Georgia militia for service on the frontiers of Georgia and Florida, in eighteen hundred and forty and eighteen hundred and forty-one	78,495 92
For the quartermaster's department, the sum of	440,040 00
For surveys in reference to the military defences of the frontier, inland and Atlantic	30,000 00
For arrearages due for roads, harbors and rivers, where public works and improvements have hitherto been made, and for the protection of public property now on hand at these places, and for arrearages for surveys and completing maps authorised by the act of March third, one thousand eight hundred and thirty-nine	40,000 00
For defraying the expenses of selecting a suitable site on the western waters for the establishment of a national armory, a sum not exceeding	5,000 00
For the construction or armament of such armed steamers or other vessels for the defence on the northwestern lakes as the president may think most proper, and as may be authorised by the existing stipulations between this and the British government	100,000 00
H. R. No. 9. <i>An act making an appropriation for the purchase of naval ordnance and ordnance stores, and for other purposes.</i>	
For the purpose of purchasing ordnance and ordnance stores for the use of the navy of the United States	600,000 00
H. R. No. 10. For carrying into effect an act making appropriation for the pay, subsistence, &c. of home squadron	789,310 00
H. R. No. 11. <i>An act making appropriations for outfits and salaries of diplomatic agents, and for other purposes.</i>	
For outfits of ministers to Russia, Spain, Mexico and Brazil, and of charges d'affaires to Portugal, Denmark, Sardinia, Naples, Chili and Texas	63,000 00
For salaries of ministers to Spain and Brazil, for the residue of the current year	8,000 00
For salaries of the secretaries of legation to the same places	1,800 00
Also, so much as may be necessary to pay, for compensation, to the clerks and other officers in the service of the two houses, the librarian and assistant librarians of congress, the gate-keeper and lamp-lighter, for the services rendered by them during the present extra session, three months' additional pay; and to the messengers, assistant messengers, pages and laborers of the two houses and library of congress, and to the hostler of the house of representatives, the usual allowances made at the close of each session; and to each of the police of the capital, the same as to the messengers, to be paid under the direction of the committee on the contingent fund of each house. And the regular pay of the messenger of the office of the secretary of the senate and of the clerk of the house of representatives shall be equal to the pay of any other permanent messenger employed in the capital	26,477 50
For completing the contract for printing and binding the catalogue of the library	273 00
H. R. No. 22. For carrying into effect an act to provide for repairing the Potomac bridge	15,806 00
H. R. No. 23. For carrying into effect an act to provide for placing Greenough's statue of Washington in the rotunda of the capitol, and for expenses therein mentioned	20,100 00
H. R. No. 30. For carrying into effect an act making provision for the post office department	497,657 00

\$5,043,705 02

NEWS' NATIONAL REGISTER.

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FOREIGN ARTICLES.

GREAT BRITAIN.

THE CENSUS. Crutshank's amusing "Omnibus" makes the following remarks upon the late English census, in which the ages are returned for the periods of five years:

"Ladies of a very certain age brided up at being obliged to tell the number of summers that had passed over their heads, notwithstanding the loophole of the 'five years' which the gallantry of the commissioners allowed them. Elderly gentlemen also, who wore dark wigs that like those auricular tail tales of the *ci-devant* *jeune homme* the ears, inwardly execrated the system of exposure to which the census paper gave rise, and willingly ran the risk of a fine 'not more than five pounds, nor less than forty shillings,' rather than be classed as old bachelors. From returns into which the commissioners have allowed us to peep, it appears that of the middle aged population of these kingdoms, one in three has grown five years younger since the date of the last census; one in seven two years younger; one in twelve remains of the same age; one in thirty-eight is five years older than at the period referred to; and one in five hundred, and sixty has attained the full age that might have been anticipated from the lapse of years. We believe it has been extremely seldom before, that returns, that the highest age among the unmarried ladies in this country is 29, the average is 21 7/8. The widows willing to marry again are quite juvenile; and it is a remarkable fact, that many are younger now, as widows, than they appear to be in the present return as wives. Indeed, the effect of the whole calculation is to show, perhaps, a complement to our young queen, that her subjects are the most decidedly juvenile people in Christendom."

AN ELECTION SCENE.—D'ISRAELI AT SHREWSBURY. The Chronicle gives the following passages from the gentlemanly harangue of Mr. B. D'Israeli, the orator, novelist and legislator: Ironical laughter now rose to such pitch, that the speaker quite lost his temper, and he exclaimed, "You young whippersnappers, you are very young and very silly. I hope your mother knows you are out. ("You go to Maidstone.") I suppose you come from Marshall's factory school. A second squib exploded, upon which he exclaimed, "your squibs don't go off, you young white factory monkeys! (Renewed riot and a shower of missiles.) Oh the idea of seeing a gentleman's friends so out! (Here, to show how highly finished he was a "gentleman," Mr. D'I. placed his one arm akimbo, and

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applied the thumb of his right hand to his proboscis, and in this graceful attitude received several volleys of hisses, grunts and yells.) He continued—'notwithstanding our squib of the factory infant school, won't you stand up, I hope they'll let off some squib to celebrate our triumph, and I hope they will explode. (Here a rotten egg whizzed past his head.) Ah! ah! that's a shot from Shrewsbury. I hope you'll have better manners before going to the polls, which I much doubt and so good night. Having concluded this elegant harangue, he disappeared with the utmost celerity.

FRANCE.

TAKING THE CENSUS. France is now in a singular situation owing to the obnoxious fiscal census. The foreign tourist can scarcely take any direction in which he may not get into the midst of all-popular riots. Sanguinary scenes occur in the north, at Lille, for instance, as well as in the other divisions of the realm. The army—horse, foot and artillery—may be said to be chiefly employed in supporting the registers and assessors, who, after all, can accomplish the dangerous task in a very imperfect manner and limited extent. Every kind of deception and trick has been practised by revolutionary emissaries on the poorer and more ignorant classes in the south and west, particularly to produce the impression, which the government cannot soon efface, that they are to be mercilessly taxed in every article of furniture, food, apparel, household, whatever by any possibility susceptible of valuation and seizure.

CANTON.

THE BARQUE FLORIDA. Capt. Foucon, from Canton for New York, with a full cargo of silks, tea, silver, China ware, &c. went ashore on the Brigantine shoals near Abascoe beach on the 23d inst. and is said to be a total loss, vessel and cargo. The latter is valued at \$20,000, mostly insured in New York and Philadelphia.

The Florida sailed from Canton on the 19th May. Rather more excitement prevailed, and preparations for hostility were progressing. The destruction of Canton by Captain Elliot was apprehended, and business men were lessened there.

PALESTINE.

A PROJECT. The Paris correspondence of the National Intelligencer states in one of his letters, that Prince Metternich (the intelligent premier of Austria), has determined if possible, to constitute a Christian kingdom out of Palestine; of which Jerusalem is, of course, to be the seat of government. Such an idea, observes the Cincinnati Chronicle, will cause a thrill through every true Christian's heart throughout the world. What memories and what associations gather round that Holy Land! City of David and of Solomon! There are the tombs of the prophets. There are the birth-places of the purest of the poets and the wisest of legislators. There are the battle fields of the Assyrians and Babylonians, of Persian and of Medes, of Jew and Gentile. There is Pishgal, and Sinai, and Lebanon. There is Bethelhem and Calvary—scenes of history, of suffering and glory! Time has long since reduced its palaces to ruins. Rude and profane usurpers have had the holy places, but not the devotion that dwells in every Jew's heart, once fountain of light, once tomb of the Saviour!

INTERESTING TO ISRAELITES. At the request of a large body of Israelites we give place to the following translation of the firman granted by his imperial majesty, the sultan Abdul Medjid, to the Israelites in his empire, at the request of Sir Moses Montefiore, F. R. S. and delivered to him at Constantinople, by his excellency, Redschid pasha, minister of foreign affairs, on the 10th of Chislevan month, 1256, 12th Ramadan, 1256—corresponding to November 6, 1840. [Philadelphia Chronicle.]

A firman addressed to the chief judge at Constantinople, at the head of which his imperial majesty, the sultan, has written with his own hand the following words: "Let that be executed which is prescribed in this firman."

"An ancient prejudice prevailed against the Jews. The ignorant believed that the Jews were accustomed to sacrifice a human being, to make use of his blood at their feast of the passover.

"In consequence of this opinion, the Jews of Damascus, Rhodes, and other subjects of our empire, have been persecuted by other nations. The calumnies which have been uttered against the Jews,

and the vexations to which they have been subjected have at last reached our imperial throne.

"But a short time has elapsed since some Jews, dwelling in the Isle of Rhodes, have been brought thence to Constantinople, where they have been tried and judged according to the new regulations, and their innocence of the accusations made against them fully proved. That, therefore, which justice and equity required has been done in their behalf.

"Besides which, the religious books of the Hebrews have been examined by learned men, well versed in their theological literature, the result of which examination is, that it is found that the Jews are strongly prohibited not only from using human blood, but even that of animals. It therefore follows that the charges made against them and their religion are nothing but pure calumnies.

"For this reason, and for the love we bear to our subjects, we cannot permit the Jewish nation, (whose innocence of the crime alleged against them is evident), to be vexed and tormented upon accusations which have not the least foundation in truth, but that, in conformity to the hatt-i sherif which has been proclaimed at Gullah, the Jewish nation shall possess the same advantages and enjoy the same privileges as are granted to the numerous other nations who submit to our authority.

"The Jewish nation shall be protected and defend-

"To accomplish this object we have given the most positive orders that the Jewish nation dwelling in all parts of our empire, shall be perfectly protected as well as all other subjects of the sublime porte, and that no person shall molest them in any manner whatever, (except for a just cause,) and that they shall exercise their religion in that which concerns their safety and tranquillity. In consequence, the present firman, which is ornamented at the head with our *hoomaiah*, (sign manual), and emanates from our imperial chancellery, has been delivered to the Israelitish nation.

"Thus, you, the above mentioned judge, when you know the contents of this firman, will endeavor to act with great care in the manner therein prescribed. And in order that nothing may be done in opposition to this firman at any time hereafter, you will register it in the archives of the tribunal; you will afterwards deliver it to the Israelitish nation; and you will take great care to execute our orders and this our sovereign will."

"Given at Constantinople, the 12th Ramadan, 1256, 6th of November, 1840."

GERMANY.

NEW GERMAN COINAGE. Every traveller in Germany has experienced great inconvenience from the multiplicity of small sovereign states each exercising the power of coining money, and the consequent difficulty of determining the comparative value of their separate coins. These several states have recently entered into an arrangement which obviates all difficulty. On the face of each new coin is the medalion profile of the sovereign prince by whom it is issued, and on the reverse surrounded by a wreath, is a shield containing in separate compartments the armorial bearings of the several states, parties to the confederation. We have before us a Prussian silver piece of the new coinage. It is of the value of two thalers or \$1 45; but passes we believe for \$1 50, and in beauty of execution it fully equals the silver coinage of England or France.

RUSSIA.

THE RELIGIOUS OF RUSSIA. We learn from one of the foreign quarters, that according to the late official returns, the Catholics of Russia amount to 227,528. They possess 61 convents, containing 1,894 monks; 51 numeraries, containing 660 nuns; 1,231 churches and 1,176 chapels. The Armenians possess 619 churches and 310 chapels, to which are attached 1,307 monks, 46 convents, containing 133 monks and 31 nuns. The Lutherans have 902 churches, to which 484 priests are attached. The Jews have 586 synagogues and 2,377 temples to which 955 rabbis and 2,097 elders are attached. The Mahomedans have 5,296 mosques, and 14,517 priests. The Calmaes have 46 convents, containing 133 monks. There are no less than 45,354,000 of the Russians, who profess the religion of the Greek church, which is in fact the established religion of the empire.

BUENOS AYRES.

The bark *Suyra*, captain Day, brings dates from Buenos Ayres to July 4th. The news of the president's death arrived there on the 26th June, and appropriate measures were taken by the Americans to testify their respect for his character, and regret for his death.

An engagement was daily expected between the squadrons of Admiral Brown and Commodore Coe, in fact, Capt. Day heard a heavy cannonading the day after he left port, from which he concluded that the engagement had taken place.

The accounts from the interior state that the anticipated engagement between Lavalle and La Madrid, is not likely to be realized, great defections taking place in the forces of the former. Of other news there is nothing of importance.

SANDWICH ISLANDS.

AFFRAY. By a late arrival accounts have been received at Boston of an outrage committed by the British consul, at Honolulu, on the editor of the *Poly-nesian*. Mr. Jarvis, a Bostonian. The cause of the attack was the publication of certain correspondence between the governor of the island and the consul, in order to punish the editor, the consul, accompanied by a man named Starkey, went to his house to wrong him; but it happened that a friend of Mr. Jarvis, just arrived from the United States, was at his house, and he, being almost as stout and strong as Mr. Charlton, immediately grappled with the latter, while Starkey attacked Mr. Jarvis. Mrs. J. brought her husband his cane, with which he punished his assailant handsomely; and the consul, finding no better in his way out of the house, made the best of his, and left the house, leaving Starkey to his fate.

Both were subsequently brought before the civil authorities, and fined for the assault.

The outrage produced the greatest excitement among all classes and complexions. A public meeting of all the foreigners was called, at which several Englishmen took a part, and resolutions were passed expressing the indignation of the meeting and the foreign community, at the conduct of the consul and his associate, in the outrage, and the doings were published in the *Poly-nesian*.

CHRISTIANITY IN THE ISLANDS. Forty men and forty women are now added to the mission from abroad, and employed in the missionary labor.

Ten thousand copies of the Bible are printed in their own language, and distributed among the natives of the island. Marriage ceremonies are introduced—intemperance checked, and laws promulgated—schools and churches are established, and agriculture and the mechanic arts flourish.

The distilleries are all stopped. The government is modified from an absolute despotism to a limited monarchy. The laws are published and read, and the rights of the people understood and protected—vicious and distasteful amusements are abandoned, and the Christian Sabbath is more fully observed in this, than any other country.

Fertility has given place to riches, and the open pastures give place to fields with fatness. Two thousand head of sugar have been produced, and silk, to which the climate is peculiarly adapted, will soon become a staple of the island.

The present monarch is a gentleman, but not a Christian. He plays billiards and drinks moderately—converses well, and is intelligent. One of the churches is 196 feet long and 62 broad; and on the Sabbath, may be seen filled with Sandwich Islanders, who are well dressed, reading the scriptures in their own native language—taking notes from the sermon, and singing hymns and spiritual songs, in tunes imported from the United States.

The language is sweet, soft and musical—"tis the language of love. Thirty thousand of the inhabitants can read. Fifteen thousand attend schools, of which there are boarding schools and high schools, and schools for the children of the chiefs, where they are taught in English and their native language. There is a literary seminary where the arts and sciences are taught.

There are nineteen churches, in which 20,000 persons assemble weekly for divine service.

WEST INDIES.

CEBA COAL. The coal raised from the mine discovered about a year ago, about six miles from Havana, has been tried by the Spanish steam frigates, and pronounced by the engineers to be excellent in quality—superior to the best English.—Analysis shows the coal to consist of the following parts:—

Carbon,	71.74
Oxygen,	6.32
Hydrogen,	9.44
Ashes,	13.50
	100.00

The rail road from the port to the mine is in rapid progress towards completion. As the bed is believed to be very extensive, the enterprising proprietors anticipate handsome profits on their outlay whenever the West India steamers shall regularly call at Havana for a supply of fuel.

MEXICO AND YUCATAN.

ANOTHER REVOLUTION has broken out, and Santa Ana is again in the field.

The New York Herald of the 29th contains Mexican dates to the 27th August, and Yucatan to the 31st September.

On the 18th August Guadalupe, in Mexico, under the command of Gen. Paredes, proclaimed for the abolition of the 15 per cent. duty, which had been recently levied by government, and in favor of a congress to be elected by the people. This created a great deal of excitement. The news of this outbreak reached Vera Cruz on the 24th ult., and Santa Ana immediately proclaimed in favor of the same measures. He despatched troops on the 25th to occupy the principal castles and forts between Vera Cruz and the city of Mexico.

On the 26th Vera Cruz also declared for the revolution. On the afternoon Santa Ana, who had about 2,000 troops under his command, sent out a sufficient number to take possession of Perote, a castle which commands the communication between the city of Mexico and Vera Cruz. They reached there on the 27th, just as the English mail was leaving. As soon as the general of Puebla heard of what had happened he despatched three hundred horse to the assistance of Perote, but Santa Ana had possession before these troops arrived within six leagues of the place.

On the 1st instant the congress of Yucatan met, and no doubt, declared that province entirely free, independent, and a distinct country from Mexico, as all the members of the congress elected, belong to the place.

Colonel Paraza was sent by the Yucatan government on the 28th ult., as commissioner to Texas, relative to the mutual defence of the two republics against the fleet which Mexico is now preparing for the blockade of their coast. Of this fleet two iron steamers are building in England, to be ready next January, and two schooners at Brown & Bell's yard, New York, to be ready in sixty days. And that government recently purchased a fine Spanish brig at Vera Cruz, which is now ready for service. How long will this fleet remain in the hands of the Mexicans?

TEXAS.

PUBLIC DEBT.—The whole amount of the national liabilities of Texas, independent of the bonds sold by the loan commissioners, is, as far as the *Austin City Gazette* can glean from the records of the different offices, in item and amount as follows:—

Audited funds funded,	\$79,531 68
Promissory notes funded, previous to the 1st of July, 1841	78,173 39
Land scrip funded,	80,348 32
Eight per cent. bonds,	89,500 00
Promissory notes,	2,944,988 62
Navy drafts,	115,000 00
Interest on 10 per cent. funded debt to 1st November, 1841,	188,658 00
Interest on 8 per cent. bonds to 1st November, 1841,	71,392 00

A pretty heavy debt for a population of 150,000 inhabitants.

IMPORTANT TO EMIGRANTS. We have been favored by a friend with a copy of the "Austin City Gazette," containing "an act for the better regulation of the land grant for the family of the late General, and a short abstract of the provisions of which, may not be unimportant to our readers, especially those preparing to emigrate to that country:—

S. c. 1. provides that each head of a family, (being a free white person) who has emigrated to Texas since January 1, 1840, or may do so previous to January 1, 1842, shall be entitled to a grant of 100 acres of land—provided, he settle and actually reside on the same for three years—cultivate not less than ten acres—and have it surveyed, and plainly marked so as to include his improvements.

S. c. 2. grants to each single man over seventeen years of age, 320 acres of land on the same conditions.

S. c. 3. provides that a patent shall not issue, until the settler has shown by the certificate of the chief justice of the county in which he resides, that he has proved by two good witnesses, that he has complied with this act, made oath to the same himself, and also taken the oath of allegiance to the republic.

Sections 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, authorize the president to make a contract with certain in-

dividuals named in the act, for the purpose of colonizing and settling a portion of the vacant and unappropriated land of the republic, and prescribe the manner in which the contract shall be carried into effect. The first three sections contain all that is of interest to the general reader, and emigrants who go on their own account. Those who go under the protection and care of *contractors* will learn of them the various conditions required.

INDIAN WAR. The following is from the *Ozark Eagle*, printed at Springfield, Green county, Mo.

By a gentleman just from the Osage nation, we are put in possession of the following letter from Mr. Calloway, sub-agent for the Osages. The letter is addressed to the editors of the *Houston (Texas) Telegraph*, and is published in this paper at the request of the writer, thinking that by that means the information contained therein would reach the frontiers of Texas sooner than through the medium of the papers of that country, and thus warn them of their dangers:—

Ozark Nation, Aug. 23.

To the editors of the Houston Telegraph:

GENTLEMEN: The Osage people have long since returned from their summer's hunt on the southwestern part of the Grand Prairie, bringing with them two white persons which they purchased from the Cumanches. Indians residing on the Grand Prairie woman, the other a girl of nine or ten years old, said to have been taken from the people of Texas. The Osages says these people have many white prisoners among them. They say further that the Cumanches are only waiting for the leaves to fall from the trees, to make a general attack upon the whole frontier of Texas. Proprietors of the Osage nation made for the Osages to send them four hundred warriors, which the Osages refused on account of their friendship for white people. A pipe has been sent to many, if not all the tribes on this side of the mountains. How far they may succeed time will show alone. We have had applicants for the Osage nation, and some of them are not far from you, but of what precise place, I am unable to learn from the Osages.

The fall season is close at hand, and fearing you might not be apprised of these movements, has induced me to give you this statement, which I now have from the Osage people. I am, with much respect,

Yours, &c. *Sub-agent for Osages.*

Another gentleman from the same place informs me that he conversed with an Osage chief on this subject, who informed him that there was no doubt about the intentions of the Cumanches. They had sent a pipe to all the adjoining tribes and solicited their co-operation; many of whom had acceded to the proposition. He also said that the Cumanches had already procured the aid of a tribe or band of men who were not Indians, amounting to several hundred. From the description given, our informant supposes them to be either Spaniards or Mexicans. The Cumanches are reported to have some 75 or 100 white men with them, of whom they make servants.

NATIONAL AFFAIRS.

OFFICIAL.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS it has come to the knowledge of the government of the United States that sundry secret societies, or combinations exist on the northern frontier; that the members of these lodges are bound together by secret oaths; that they have collected fire-arms and other military materials, and secreted them in sundry places; and that it is their purpose to violate the laws of their country by making military expeditions into the territories of the United States; and whereas it is known that the United States are at peace; and whereas it is known that travelling agitators, from both sides of the line, visit these lodges, and harangue the members in secret meeting, stimulating them to illegal acts; and whereas the same persons are known to levy contributions on the ignorant and credulous for their own benefit, thus supporting and enriching themselves by the basest means; and whereas the unlawful intentions of the members of these lodges have already been manifested in an attempt to destroy the lives and property of the inhabitants of Chipewyan, in Canada; and whereas the public property of the British government there being now, therefore, in J. B. TYLER, president of the United States, do issue this my proclamation, admonishing all such evil-minded persons of the condemnation which is certain to overtake them; assuring them that the laws of the United States will be rigidly enforced against their illegal acts; and that if in any lawless incursion into Canada they fall into the hands of the British authorities they will not be reclaimed as American citizens, nor any interference made by this government in their behalf.

And I exhort all well-meaning but deluded persons who may have joined these pledges, immediately to abandon them, and to have nothing more to do with their secret meetings, or unlawful oaths, as they would avoid serious consequences to themselves.— And I respect the intelligent and well-disposed members of the community, from all these unlawful combinations and illegal proceedings, and to assist the government in maintaining the peace of the country against the mischievous consequences of the acts of these violators of the law.

Given under my hand, at the city of Washington, the twenty-fifth day of September, A. D. one thousand eight hundred and forty-one, and of [L. S.] the independence of the United States the sixty-sixth. JOHN TYLER.

By the president:
DANIEL WEBSTER, secretary of state.

PRESIDENT'S INSTRUCTIONS TO THE ACTING POSTMASTER GENERAL.

To the Hon. S. R. HOBBS,

Sir: Information having been received in a form entitled to attention that the postmasters at ~~*****~~ Pennsylvania, and ~~*****~~ Ohio, have so far violated the obligations which they implicitly assumed on taking office under my administration, of abstaining from any active participation, or in any way connecting their offices with party politics, or using them for party purposes, I have to request that inquiries shall be instantly instituted into their conduct, and that if the charges against them be found to be true, they be immediately turned out of office, and citizens appointed in their places who will otherwise conduct themselves. The post office department, in all its operations, should be conducted for the single purpose of accomplishing the important objects for which it was established. It should, in an especial manner, so far as practicable, be disconnected from party politics. It was established for specified purposes of equal importance to every citizen. To convert it into an engine of party, to be used for party purposes, is to make it the fruitful source of the most alarming evils. Ransomed as it is, and extended to every neighborhood, into the party of administration, and necessarily of its agents, should be particularly guarded. For a deputy postmaster to use his franking privilege (a privilege bestowed upon him for the sole purpose of exonerating him from oppressive charges in the necessary correspondence of his office) in scattering over the country pamphlets, newspapers and periodicals, in the name of the postmaster, is an abuse of all property, and must not for a day be tolerated. Let this be left to the politicians. I should be happy if one or two examples shall be found sufficient to correct an evil which has so extensively prevailed.

I will take this occasion, also, to add for your instruction, that the appointment to, and continuance in the office of postmaster of any one editing a political newspaper is in the highest degree objectionable. It involves most of the consequences above stated—introduces politics into the post office—diminishes the revenue—and confers privileges on one editor which all cannot enjoy. In a word, it is my fixed purpose, as far as in me lies, to separate the post office department from politics, and bring about that reform which the country has so loudly demanded. JOHN TYLER.

September 28, 1841.

APPOINTMENTS BY THE PRESIDENT, OFFICERS OF THE CUSTOMS.

Collectors.

William Walsten, at Folly Landing, Virginia.
Elias H. Haines, re-appointed at Sandusky, Ohio.

POSTMASTERS.

Littberry H. Mobay, at Louisville, Kentucky, in place of George L. Douglass, resigned; Ezra Duggitt, at Milledgeville, Ga. re-appointed.

THE CABINET. JENCKE McLEAN, we learn from the Cincinnati Chronicle, declines the appointment of secretary of war, conferred upon him by the president.

A Madisonian contains a letter from Lexington, Ky. of Sept. 24, which says: "Gov. WICKLIFFE is now in this city. He will accept the seat in the cabinet tendered him by the president, and will depart for Washington in a fortnight."

THE SECRETARY OF STATE. "Andi alterum patrem." [The attention of the American people is earnestly invited to the following letter. It comes from a distinguished source. We need not say it is written by an able hand—that fact is evident from the force of it. It is a calm statement of facts, defining the position of Mr. Webster, and his conduct in the executive council during the recent trying scenes at the capital, and illustrating the propriety of his present position. We trust that it will receive that grave consideration from the public to which

the importance of the subject, and the character of the facts and circumstances it discloses are entitled.]

Washington, September 14.

Your friendship for Mr. Webster, and your solicitude for his fame, induce me, who share with you both these sentiments, to communicate some particulars of his conduct during the recent session just terminated, which evince his patriotism, judgment and devotion at once to the true interests of his party and of the country. I shall tell you nothing which you do not know already; but it may not be unreasonable nor useless, at such a moment as this, to have in your view, and from any wise man, important familiar facts. I confess a desire to see it kept constantly in the public mind, that his counsels and his wishes would have preserved unimpaired, the integrity of the whig party; would have prevented a dissolution of the cabinet, have maintained our official relations to the president, and have carried us through this transaction and the organization of another, undistracted, unalienated and full of reasonable hope.

At the commencement of the session, as before, Mr. Webster desired to see the country provided with a useful bank. This, of course, was to be expected from his whole public life and opinions. Ascertaining the existence of constitutional difficulties in the mind of the president, he assisted to have the bill which the secretary of the treasury was directed to send to the senate as a *project*, made as perfect as possible, consistent with those difficulties; he endeavored to secure the passage of a personal bill, in order to pass that bill, imperfect though he thought it, and though it was his discomfitedness the introduction of another and different one, which were the best reasons for fear the president would not approve; he favored the attempt of Mr. Rives to restore, by an amendment, the substance of the treasury bill, and the bill of Mr. Ewing, and the bill containing the compromise provision was sent to the executive, he sought to secure his official approval. In all this he manifested that fidelity to the party, delicacy to the president, consideration of unfortunate and unanticipated circumstances, and course pursued of practical politics and good, which this country expected, indeed, from him, but could scarcely expect from any other man.

When the purpose of introducing another bill, after the veto of the first was adopted in congress, Mr. Webster no doubt sought to have it so framed as to avoid the objections of the president; and probably he would have succeeded, had it not been until the appearance of Mr. Bots' letter. From that moment, as you collect from Mr. Ewing's letter, the president manifested great and not unnatural uneasiness and anxiety, and a very strong wish that the whole matter might be laid over until the next session. Mr. Webster, however, was not to be dissuaded, under the circumstances, as did Mr. Ewing, if I understand his letter; and he communicated his opinion and his desire to his friends in congress.—The bill was passed and sent to the president, and then, as Mr. Ewing tells the public, and as I believe the truth to be, Mr. Webster submitted a written or oral argument to the president to persuade him to give it his sanction.

You see, therefore, that if, in this matter, there had been on both sides, or on either side, faults or errors, Mr. Webster did all that he could do—faults that man could do—in the succession of events, to prevent them. Down to the moment when he withdrew and declared his determination not to retire from office, there was no one within or without the whig party who did not appreciate his sound judgment, his perfect fidelity and his admirable counsels. I have not a doubt that the sober second thought of the country will do justice to his conduct. His colleagues have retired, from the same conviction that influenced that portion of the whigs in congress who have persecuted an address to the public to wit—that there no longer exists any hope of a satisfactory arrangement of the question of the bank, under Mr. Tyler's administration. Mr. Webster thinks that the same day will be the day of his trial; and in another sense than they would expect—

No, eede nihil, sed contra auditorio iis.

He thinks there is yet a reasonable chance that the president and his new cabinet, all whigs, selected by a whig, may present such a scheme as shall receive the approval of the whig congress. You see, from his recent letter, that he deems a bank, as he always has done, in some useful form, to be wholly indispensable; and for so great a good he does not think the country ought to be required to wait four years longer. In this hope, and with these opinions, he remains in the cabinet. He remains, perhaps, in which the good president intended to him, and at which Mr. Tyler desires him to remain. He sees, I have reason to believe, no cause to doubt that the

president is influenced by a constant regard to the public interests; and to the duties of his great office;—although it is true that schemes of a bank have struck his mind differently at different times, as being within, or not within the constitutional principle he had adopted and avowed. In the considerations suggested in the concluding language of the last veto message, there may perhaps be found for this an explanation and an excuse.

You have, then, in a word, Mr. Webster's whole course on this subject. He thought, as did the entire cabinet, that the *project* of a bill first sent by Mr. Ewing to the senate, on its call, ought to have been passed in the concluding language of the last veto message, to sign the somewhat different one which, instead of that, congress first sent to him. When the second bill was introduced, he thought it was in such a shape that it would receive the executive approbation; but after the explosion created by Mr. Bots' letter, he strongly advised, as did Mr. Ewing too, that the whole subject should be laid over for three months, to afford time for mature thought, and for collecting the true sense of the country.

Under these circumstances, you will concern with me that Mr. Webster ought to sign whig bills. His personal honor permits and his party duties require it. The measure of doing so—of preserving peace—of quieting the public mind agitated by apprehension of war—of assisting the administration by his wisdom, his experience, his unrivalled ability and his hold on the confidence of the country—these all are in his hands; and they impose a responsibility which he would not evade if he could, and which, if he would not do it, I verily believe that his retirement from the cabinet at such a moment as this would produce such an impression on the north and east of the uncertainty of our foreign relations, as greatly to diminish the chances of obtaining the restoration of the republic to the whig party in the country, then, if not for himself, let him remain. "In all exertions of duty something must be hazarded."

[New York Commercial Advertiser.

HENRY CLAY. The whigs of Baltimore sent a committee to Washington, with a written invitation to this distinguished senator, to accept of some public demonstration of regard on his arrival in the Monumental city, to which Mr. Clay made the following reply:

Washington, 14th Sept. 1841.

GENTLEMEN: In the midst of preparations for my departure from my home, I have been invited by the gentlemen who have done me the honor to wait upon me, your obliging communication bearing date this day, transmitting a resolution adopted at a public meeting held in Baltimore yesterday, by which it is proposed to distinguish my expected arrival in the city, by a series of public demonstrations, to pray you gentlemen, and those who coalesce with them, to accept my grateful and respectful acknowledgments for this new and gratifying proof of attachment and confidence. I should embrace, with pleasure, the opportunity of visiting your city at this time, but jaded as I am, by the arduous labors of the session of congress just concluded, and sharing, with the companions of my journey, an eager anxiety to terminate it, without delay, I regret that I must postpone a visit to your city to some future day.

If gentlemen, all, has not been accomplished at this late season, or, much more has been effected than I anticipated at its commencement. If we have been greatly disappointed in the failure of repeated attempts to establish a sound currency, regulate exchanges, and separate the purse from the sword, of American citizens, who will say, on that account, surrender himself to the violence of an ignominious despair? Who will say that we will persevere, with redoubled courage, until every remaining object of the glorious revolution of November last shall be completely consummated? Shall we be discouraged because one man presumes to set up his individual views, and to oppose the views of the nation, in the contrary, let us superadd to the previous duties which we lie under to our country, that of pluckiness from the constitution this sign of arbitrary power, this odious but obsolete vestige of royal prerogative. Let us, by a suitable amendment to that instrument, declare that the veto, that power and that source of all our public ills—shall itself be overruled by majorities in the two houses of congress. They would persuade us that it is harmless, because its office is preventive or conservative! As if a nation might not be as much injured by the arrest of the enactment of good laws as by the promulgation of bad ones!

I am, gentlemen, greatly deceived, notwithstanding the astounding developments recently made, if the whig cause is not stronger than it ever was.—

Resting, as it does, upon truth, sound policy and enlightened views, its votaries need be false and faithless, if it does not gloriously triumph, notwithstanding any temporary disappointment.

Accept, gentlemen, assurances of the high regard and esteem of your friend and obedient servant,

H. CLAY.

Messrs. Robert Gilmer, &c.

FREE DUTIES. Table of the articles imported in 1839 free of duty, to be continued free under the revenue bill.

	For the use of the U. States	459	—
For societies, &c.	60,423	—	—
Specimens of botany	5,087	—	—
Anatomical preparations	1,356	—	—
Antimony	13,667	—	—
Splinter	136,965	—	—
Burr stones, wrought	46,417	563	—
Brimstone	101,164	1,320	—
Block of cork tree	6,544	—	—
Clay, unworked	6,737	—	—
Rags	558,318	495	—
Undressed furs	881,735	37,422	—
Hides and skins raw	1,158,629	80,183	—
Plaster of Paris	197,714	—	—
Barilla	150,637	—	—
Dye wood	586,450	769,841	—
Animals for breed	60,824	—	—
Old pewter	44	—	—
Tin, in pigs, &c.	1,447,255	33,298	—
Brass	2,406	—	—
Copper	1,818,893	552,538	—
Cold and silver	5,555,179	5,865,603	—
Tea	2,421,864	64,277	—
Coffee	9,743,103	737,618	—
Wool, at 8 cents	507,620	721	—
Quicksilver	215,600	217,292	—
Crude saltpetre	369,152	6,301	—

These tables show very nearly what will be the operations of the tariff, in regard to articles heretofore free. The whole imports in 1840 were near 70,000,000 less than in 1839 and having the estimate of the imports of 1840, the department computed the revenue to be derived from the new bills at \$3,783,382. The imports have, however, scarcely ever been so low as during the past year; probably a medium would be nearer the truth say, \$5,719,602. This is more than sufficient to meet the wants of an economical government, and will undoubtedly fall so far below the views of the present congress, that fresh burdens will be imposed, and the foreign commerce become as fluctuating as a paper currency.

[Herald.]

DARING OUTRAGE! *Our territory invaded, and an American citizen kidnapped by British armed soldiers.* The New Hampshire Patriot of Sept. 21st says, "Since the announcement in our last paper of the gross outrage committed upon our rights as a nation, and upon the lives and liberty of individuals, in the forcible seizure and abduction of Col. James W. Grogan, we have been able to gather further testimony in relation to the affair, which we less no time in presenting to our readers. As might have been anticipated, such an outrage could not but be followed by the exasperation and excitement of the people, and it is highly creditable to our fellow townsmen that immediately upon the arrival of the news of Col. Grogan's seizure, they made due preparations for the procurement of indisputable facts which they might lay before the governor of Vermont and the proper authorities at Washington. At a large and respectable meeting at the court house, on the 21st and 22d ultimo, the public sentiment was manifested and facts and resolutions were presented for the consideration of the people generally.

The committee appointed to collect testimony relative to this illegal transaction, reported on Wednesday evening, and read to a very large audience sundry affidavits, the substance of which we are about to communicate to our readers. These affidavits indicate plainly that rumor had not magnified the atrocity of the act.

It appears from one of the affidavits that on the 19th inst. there were present at the tavern of J. M. Sowles, at Alburch, a short distance this side of the line sundry persons from Canada, in company with James W. Grogan, among them a man in a dragoon uniform, Grogan to drink, and was particularly attentive to him, so much so that his countenance became suspicious. The suspicious were communicated to Grogan, and he was advised that a plan was about to kidnap him, and to transport him to Canada. Grogan finally following the lead of the man in dragoon uniform, went to Alburch city, so called, and afterwards went to pass the night at the house of Wm. Brown,

his brother-in-law, who resides about three miles from the boundary line.

From the affidavit of another, it appears that Wm. Brown and his wife were awakened about 2 o'clock in the morning of Monday, the 20th September, by a noise occasioned by the breaking open, and forcible entrance of a gang of armed men, who were calling to him, "Come, come, fifteen or more, were in the uniform of British soldiers, and, as could be seen by the lantern they carried, fully armed. Mr. Brown sprang from the bed upon perceiving the intruders, and was met at the door of his sleeping room by a British ruffian, who presented his gun and bayonet, and ordered him to remain quiet. Mr. Brown called aloud to his sons, who were sleeping above, and was threatened by the soldier that he would certainly be shot unless he desisted speaking. The remainder of the night rushed into the adjoining room, where Col. Grogan was sleeping, crying out as they entered, "Here he is—here he is! Shoot him—blow him—blow his brains out." They seized him and dragged him from his bed, and carried him by force through the house, and conveyed him to the road, where there were vehicles in readiness to take him across the line. Mr. Brown testifies that he was apparently strangled, so that he could neither speak, or make even a show of resistance.

It appears from another affidavit, that the son of Mr. Wm. Brown came down at his father's call as soon as he could put on his clothes, and was met by one of the British dragoons—an Irishman, as he thought—who cocked his gun and ordered him to get up, or he would shoot him. Soon after they had got up with Grogan, young Mr. Brown discovered a drab-colored hat, a British bayonet, and a cotton handkerchief, which they dropped in the hurry of their proceedings. Soon after daylight a British dragoon was seen riding through the house of Mr. Brown, apparently in search of the articles which he had lost, and accidentally lost. As soon as he saw he was discovered, he ran his horse back to her majesty's dominions.

From another affidavit, it appears that a gentleman going from Clarencetown to Missisquoi Bay overtook a wagon, in which was James W. Grogan, 4 armed soldiers and a driver, and 4 mounted dragoons riding and keeping guard by the wagon. When they arrived at the mouth of the river, they ordered the wagon to the Bay, Grogan remained in the wagon, surrounded by a strong guard in front of the guard house, for about a quarter of an hour, after which he was ordered into the guard house, and from thence was taken to Montreal. Grogan appeared badly wounded, and was confined to his room very many days, and was with great difficulty he could walk or step. The party that brought him to the guard house from Alburch was formally dismissed in true military style, by Sergeant Reed, who belongs to Captain Jones' company of light dragoons in her majesty's service. It is reported at Missisquoi Bay, that the provisions of the transaction above detailed, Captain Jones had been heard to say, that he had despatched a squad of men after Col. Grogan, and that Grogan would, without fail, be taken that night.

The substance of the above affidavits (save one) was read aloud at the meeting held at St. Albans, on the evening of the 22d, and upon the correctness of the facts no doubt need be entertained. They are proof indisputable that an armed force of her majesty's service—acting by command of superior officers in the service of her majesty—entered upon our territory, and committed a gross outrage upon James W. Grogan, a natural born American citizen, who was the innocent of all the rights of a citizen of the United States. The affidavits establish, beyond a cavil, that this outrage was premeditated and brutal beyond comparison—that our territory has been invaded and all law and right been ruthlessly disregarded and trampled upon. This being the fact, it was obligatory upon us to search out testimony to establish the assertion, and to transmit it to the proper authorities, with a full and proper representation of the time, and place, and nature of the outrage. This has been promptly done, and we anticipate such a notice of it as its extreme heinousness demands. The facts have been forwarded to Washington, and to our governor; and we doubt not measures will be taken to demand redress for this insult, and to rescue us from a repetition of an offence which debases even those British soldiers who disgraced humanity by their barbarity and cruelty in the late Canadian insurrection.

Of the state of excitement, which the above transaction was so well calculated to inflame, we may judge by the tenor of the following, from a correspondent of the Boston Mail:

SWANTON, FALLS, (Vt.) Sept. 24.

Great excitement in this northern town, in consequence of the abduction of Colonel Grogan—Public meeting and retaliatory measures. I have just returned from

a boat excursion to the Isle of Motte, and I find that the excitement among the people of Grand Isle county in consequence of the recent abduction of Colonel Grogan from Alburch, is of the most intense description. Public meetings have been held at St. Albans, Alburch, and several other places, at which strong resolutions were passed, with great unanimity, ensuring that the act referred to, and pledging the members to be ready at a moment's warning to repel any further incursions of the British troops.

The feeling in this section of the country against her majesty's government in Canada is very strong, and has been kept alive for the last few years by the patriot movements and the outrages which have been committed upon our people, with great unanimity, more than they seem willing peaceably to withstand. There are a great many private depositories of arms and ammunition in this section, and I have no doubt that an army of five thousand volunteers for the invasion of Canada could be raised in a fortnight, if it was thought the general and state governments would not interfere.

It is said that papers have been circulated among those known to be opposed to the British government in Canada, pledging them to some hostile movement or other; and I have no doubt that a rescue of Col. Grogan is contemplated, though it may be carried out. We have as good a right to march to Montreal as the British have had to march to Alburch.

I think you will be interested in the movement in this quarter shortly. The old sleep Gleaner recently left St. Albans in the night for North Hero or the Vineyard, and it is whispered that she was loaded with arms, &c. A secret society, the object of which is supposed to be another attempt at revolution in Canada, has existed for some time all along the frontier, from the "Indian Stream" in New Hampshire to Detroit, and unless our state and national governments take strong measures to curb the factious spirit, the most fearful consequences may ensue.

The Montreal Herald without noticing the manner of the arrest of Grogan, says: "We are happy to learn that a man, Grogan, notorious during the border disturbances, is in Canada, has been arrested and lodged in jail. But from a series of papers drawn up in consequence of the trial of West, (which we will publish as soon as possible) we fear that this man also will, by the grossest perjury, be able to evade justice."

The *Madisonian* significantly remarks, that "the state of facts upon which the president's timely proclamation is predicated, would astonish the people of the United States, were the details spread before them. To say the least, they indicate the necessity of great prudence and judgment to preserve the peace of the country."

ARMED FORCES ON THE LAKES. A treaty or arrangement was made in 1817 between the two countries, by which it was stipulated that the naval force to be maintained upon the American lakes by the respective parties, should thereafter be confined to the following vessels on each side: "On Lake Ontario, one vessel not exceeding one hundred tons burden, and armed with an eighteen pound cannon.

"On the Upper Lakes, two vessels not exceeding like burden, and armed with like force.

"On the waters of Lake Champlain, one vessel not exceeding like force, and armed with like force."

It was further agreed that if either party should thereafter be desirous of annulling the agreement, and should give six months' notice to that effect, the agreement should cease to be binding after the expiration of the six months. The British government gave notice of a large armament of American ships in November 1838, that that government had found it necessary to increase their armament on the lakes.

OUR TRADE WITH THE SANDWICH ISLAND AND NORTH WEST COAST. The Boston Mercantile Journal says the fur trade on the north west coast, afforded for many years a profitable trade for a large number of American ships. But the Hudson Bay company have proved themselves too powerful for American traders to contend with, and they have completely driven the American trade from the coast; not an American vessel has made a voyage there in the fur trade for several years, and our government has called for a large number of American ships to be sent to that coast as a nation, to that important part of our domain, and protect our trade. Plans are laid, and means are now in operation, for destroying our greatly diminishing trade at the Sandwich Islands, which may be successful.

The following extracts of letters dated in March last from a respectable mercantile house at the Sandwich Islands, show the state and prospect of trade there, and the means used by the British consul, by

the agent of the Hudson Bay company, and others to effect their object:

"The English make their boast, that they will destroy the Yankee trade here by underselling them. The English briggs, Trimble, from Liverpool, and Wave, from London, with full and well selected cargoes, arrived here the 23d and 26th ult. This country is inundated with goods of all sorts, and prices have very much fallen. Do not make any further shipments until a more favorable change."

"Never, since my acquaintance here, has there been so many goods in store here, California, and all the Russian ports are well supplied, and there is a panic among purchasers here; (the retailers are all well supplied). The ship Morea arrived here the 26th ult. and brig Luna, 7th inst. There is enough goods here to supply the market for a year and a half or more."

"Beside the ship Gloucester, and another ship from Boston, ship Europa, and barque Don Quixote, from Valparaiso, and brig Joseph Peabody, from China are all expected soon. In fact the market is completely glutted, and bad prospects in view."

"The Sandwich Islands are likely to be well supplied in addition to the above vessels expected there at that time, three ships have sailed for those Islands this season, already with full cargoes, and three or four others are expected to leave here this fall, if they can get cargoes, for the same place."

[N. Y. Times.]

THE SANTA FE EXPEDITION. The *San Antonio City Gazette* states that a letter has been received there from an American resident at Santa Fe, which says that the citizens were anxiously expecting the expedition. The writer further adds—"We have been looking for some news from Texas, because every American and more than two-thirds of the Mexicans, and all the Pueblo Indians are with us heart and soul, and whenever they have heard of your sending troops there has been a rejoicing; and, indeed, I have talked many times with the governor, and he says he would be glad to see the day of our arrival in this country, as he feels well assured that no aid will be sent from below, as they have no means and he himself will offer no resistance."

The *Gazette* urges the Texian merchants to make an effort to secure the Santa Fe trade, and estimates the amount annually paid to the United States or its agents for goods at about a million dollars. The *Gazette* insists, naturally belongs to Texas. Some valuable gold mines have been discovered at Santa Fe which yielded, for the six months ending March 1st, over \$300,000. The Santa Fe expedition had not succeeded in meeting the Indians, though they proceeded to the place where they were represented to be assembled in force. They found the crops gathered and the village deserted.

The different parties had also returned to Austin without meeting any Indians, although they heard of them every where.

THE SMITHSONIAN BEQUEST. One of the most reprehensible movements of the late administration of the United States treasury, and the more to be complained of from the fact that it was in opposition to the professed principles of the party then in power, is the investment in state bonds of the Smithsonian bequest, that magnificent fund bequeathed to the city of Washington for purposes of education, instead of its being held in trust by the government. The following are the amounts loaned to the states, and the premium paid by each, to which we have also added the loss by the depreciation of the credit of the states and the contraction of the currency, as shown by the market rates of the stocks of those states:

	Premium.	Amount of loan.	Loss by depreciation.
Arkansas, ...	\$500	\$500,000	\$25,000
" " " " " " " "	4,500	10,000	4,500
" " " " " " " "	162	13,000	162
" " " " " " " "	4,445	15,000	6,750
Illinois, ...	7,020	26,000	13,000
" " " " " " " "	1,777	6,000	3,000
" " " " " " " "	4,800	24,000	12,000
Michigan, ...		5,000	3,300
Ohio, ...	1,020	15,000	3,600

*For this loan a premium was paid by the government of

270

From which deduct premiums received,

\$77,270

19,724

And the total loss to the fund is

\$257,546

Another matter highly important in this question is that, in case it should be requisite to call in

this fund, or the remnant that is left of it, here are four large states interested to use their votes and influence against its return to the treasury. The policy of looking upon the states as creditors, we have ever looked upon as but little, if any better than a gift, and as a system studiously to be avoided.

[Phil. Ledger.]

FOREIGN CRIMINALS. It is well known that every arrival here from Europe, brings to our city many foreigners who have been compelled to fly from their country on account of crimes committed at home. These criminals mix with the honest and industrious emigrants, and it is difficult to find them out, notwithstanding accurate descriptions of the persons of these criminals have been forwarded by the police officers of Europe.

It has been the great surprise to our police, that these criminals, on their landing go as direct "as the carrier pigeon" to the haunts of rogues and thieves in this city: which clearly and conclusively proves they have been in correspondence with thieves already settled here, and probably come over by invitation, aware of the indifference of our police establishment. Several English police officers, at different periods, have visited the United States on business, and have recognized the runaways by the dozen, in New York and Philadelphia. An intelligent officer is shortly expected here from London—and if the police of this city are disposed, they may derive much useful information from him, as he has been an active agent at "Bow street," and a travelling officer of the Peel police for thirteen years. The writer will inform the police on the arrival of the officer, that they may realise the advantages referred to. [N. Y. Times.]

THE ARMY.

GEN. WOOL, the successor of Gen. Scott, was appointed inspector general in 1816, and since that time he has discharged the duties with distinguished honor to himself and his country. The office is oftentimes beset with hardships and perils. Gen. Wool has encountered many while on official duty, but he has never been deterred from his friendly aid or the physician's skill. It is in that lone region, where the services of an inspector are most needed, that this gallant officer has often periled his life in the vigilant discharge of his duties. Gen. Wool resides at Troy, N. Y., where he sustains all the relations of an excellent citizen as well as those of a general officer.

[Phil. A. American.]

THE NORTHERN FRONTIER. The Madison states that the United States troops recently sent to New York, were not intended for Utica but were ordered to Rome to protect the property of the United States, consisting of several thousand stand of arms, &c. a measure judged to be necessary on information and advice received by the government. The same paper says that the federal government has no desire to assume a position that bayonet warfare is necessary to enforce a due administration of justice.

FORTIFICATION AT NEW BEDFORD. The New Bedford Register informs us that Lieut. Stevens of the engineer corps, arrived at that place on Saturday, and that, under his direction, operations are to be commenced immediately upon the old fort in that harbor.

SURVEY. We learn that Major Bahe, of the topographical engineers, with his party, will commence a survey of the Patuxet river in a few days. This we presume is the preliminary step to the location for a fort on Sallards' date, or wherever the board of engineers may deem the most important to be.

[Baltimore American.]

SCENES. A correspondent of the Savannah *Georgian* writes—"Lieut. Thayer, 2d dragoons, a very promising young officer, committed suicide at Pilatka on the afternoon of the 16th ultimo, by blowing his brains out with a carbine. There is something, says our correspondent, in the nature of this war calculated to produce despondency and the suicidal idea. From my remembrance, says he, four have committed self-murder, viz. Capt. Lane, Lieutenants Wheelock, Hughes and Thayer. A list of those of our army who have died or been killed during this Florida war, will astonish you and the country."

WILD CAT. We take from the New Orleans *Crescent* City, of the 29th, the following description of Coa-coo-chee, or Wild Cat, the celebrated Indian chief, recently captured in Florida, and at last taken to New Orleans. [Cleveland Tr.] His dress consisted of a red cloth tunic, richly ornamented with parti colored beads, open at the neck so as to display his insignia of superiority, which is nothing more than a silver medal, bearing on one side a full length bust of the celebrated king Philip,

harranguing a circle of his warriors, and upon the reverse a chief of the Narragansetts calmly surveying the lightning as it flashes around him, while his foot is placed upon the neck of a Moha-cie. This medal is suspended from a circle of eagle's talons, curiously interwoven with the skin of a spotted snake, upon a ground of dark blue cloth. Large silver ornaments are in his ears, and a fillet of the same metal set with red and black beads, encircles his head almost as a tiara. On the back of the scalp three large black ostrich plumes are sewed into a band going round underneath the fillet. The belt to which his quiver is attached, and that going round his body, are both made of wampum. A pouch hangs at his side, made of the skin of a young panther. His legs up to now are encased in leggings of tanned deer skin, and his feet encased in moccasins of the same material. In height he is about five feet ten, and from appearance one would take him for a Peruvian Adonis, rather than a cold-blooded murderer. He has a most pleasing expression of countenance, and is perfectly symmetrical in proportions. A dark, mellow eye, with the organ of language very large, a handsome nose, and a mouth expressing strong determination, completes his appearance.

When we were presented to him he scarcely looked up; but upon offering him our hand, he nodded his head, uttered a low "ugh!" and returned the grasp with a cordial pressure. He then rose up, and stepped over to some one upon a deer skin, and appeared totally unconscious of there being any one in the room besides himself. Seventeen of his followers, among them his brother and two of his negroes, are confined in the room with him. One of them, a gigantic fellow of about six feet and six inches, Tagin-nah-see, or "the black back," has a "black back blood," was the ugliest looking fellow that we ever saw. A pair of sleepy black eyes, denoting ferocity of disposition, a bull-dog neck, and a thick pair of brutal lips, put us in mind of the adage, "familiarity breeds contempt;" so we thought best not to feel his pulse, and we didn't either.

We were informed by one of the soldiers who captured him, that he was attached to the guard on board the *Walter Ann*, that Wild Cat is a most humane, generous man, and withal a brave and determined warrior. As for the murders which the newspapers said he "had exulted in," we believe it is all moonshine, as our informant tells us there is not a chief in eastern Florida who has shed more blood than Wild Cat. He is represented as living in style in his own country, and has a number of negro slaves; forty or fifty horses; and, to cap the climax, is married to a lovely Indian girl! An anecdote is related of him by one of the soldiers, while on board the vessel. It was a beautiful moonlight night, and our informant was standing upon the clear floor of the gulf, making it appear as though the gallant vessel was ploughing her way over a carpet of blue and gold. Coa-coo-chee was standing upon the deck with his arms folded, and his noble countenance turned toward the sky. A soldier approached and asked him what he was thinking on. He replied, in his native tongue—"My eyes look at the dim light hung where Manito rules—my body goes to rot in the dungeon of the white man, but my heart is in the bosom of my bride! Ca-lu-hoe!" continued he, while his chest heaved with the deep feelings of his soul, "Ca-lu-hoe! may the flowers on thy grave grow where the pale flowers of the sun have faded! Ca-lu-hoe! the name of a former wife, which, being interpreted means "Music of the Snow."

REMINISCENCES. CAPT. THOMAS HARRISON, A correspondent of the National Intelligencer, who signs himself "A visitor at Washington," says—

"Among the pleasing incidents which often occur to those who visit the city of Washington, is the one not uncommon, of meeting those gallant men who, in times that tried the nation's souls, have given evidence of their devotion to their country."

"A few days since, I fell in with a person of this description, in capt. THOMAS HARRISON, of Boston. As he raised his hand, I perceived it had been shattered by the fire of our enemies; as he stepped on one side, I saw that a cannon ball had executed its mischievous office, and that the noble man was ready to fall for life. As I had forgotten the circumstances under which these mutilations occurred, I made some inquiry, and found that the post of danger and of honor had been more usually the lot of Capt. Harrison. His company, distinguished in general orders by General Scott, was the first to reach the shore of Fort Erie. He was a volunteer under Gen. Fike, and received two wounds while performing his duty. At Sacket's Harbor, his right arm was shattered; at the capture of Fort Erie, a shell exploded and he was again severely injured. At Chippewa, that memorable and glorious field, a musket shot passed through his foot, and a few moments afterwards a cannon

shot perfected the dismemberment of the whole limb. Captain Harrison, however, all bleeding and suffering as he was, refused to quit the ground, but continued to cheer on his company, and continued in its command until the day was won. Well might Gen. Scott speak of this "glorious display of fortitude." It was a specimen of the valor of a true-hearted American.

In rescuing these facts from oblivion, I feel that I perform an act of justice only, happy to become their brief chronicler."

THE NAVY.

The U. S. Phoenix, passed midshipman Nolan, commanding, sailed from Norfolk, on 23d ult. for Florida.

TEMPERANCE REFORM. The Washington correspondent of the Baltimore Sun, says: On Sunday afternoon last the rev. Geo. C. Brooke delivered a temperance lecture in the market house, navy yard, in his usual happy and impressive manner; he, the course of his remarks he acknowledged the receipt of a letter from an officer of the marine corps, stationed on board the Delaware, which stated that the marines were faithful to the officers of the vessel, and that they received the high commendation of the commodore and other officers of the ship. Nor are the gallant tars attached to that noble vessel found wanting in that glorious cause. I am informed, that nearly the whole crew have signified their desire to relinquish the daily allowance of grog and receive its place in an industrious life. This determination, on the part of our sailors and soldiers, sheds the *sheer anchor* of our country's safety.

NAVY PENSIONS. The act recently passed by congress, providing for the payment of navy pensions, is as follows:

Be it enacted, &c. That the sum of one hundred and thirty-nine thousand six hundred and sixty-six dollars and six cents is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, to receive the payment of pensions and half pay chargeable on the navy pension fund; *provided*, that all widows or children of all naval officers, seamen or marines now deceased, and entitled to receive or make proof of their pensions under the act of the third of March, eighteen hundred and thirty-seven, shall receive the same until the close of the next session of congress; but no widow or children of any naval officer, seaman or marine who may hereafter die shall be entitled to any pension by virtue only of any provision in the said act.

Sec. 2. And be it further enacted, That no officer, seaman or marine entitled to a pension from the navy pension fund, who receives pay from the public treasury, shall receive more from the said fund than is sufficient to make the whole amount received from both the above named sources equal to the pay fixed by law for the grade to which the officer, seaman or marine may belong, as an officer in the services in which he may be engaged during the war; and no officer shall receive pay at the same time both as a pensioner and an officer in service.

COMMODORE PERRY THE HERO OF LAKE ERIE. The New York Herald states that the remains of Commodore Perry were removed from the grave where they have remained since they were brought from Trinidad, to their new and final resting place, at the side of the monument, which is to be at once completed, under the direction of a committee of statesmen. The outside coffin was almost entirely decayed, leaving the leaden case exposed to view.

SINGULAR CASE OF OBTAINING EVIDENCE IN THE NAVY SERVICE. Under this head the Boston Mercantile Journal contains a long article, in which the secretary of the navy and Commodore Wilkinson are severely censured for their connection with a proceeding which recently took place on board of some of the United States vessels in Boston harbor. The facts in the case, as set forth in the Mercantile, are as follows:

In the early part of August, a communication dated on board the U. S. frigate Macedonian, appeared in a New York paper, in which the character of Commodore Wilkinson was dealt with—"The commodore" was represented as a man of no education to be one of the officers of the squadron, and for the purpose of obtaining positive proof of the fact he applied to the secretary of the navy for authority to require every officer under his command to say, upon his honor, whether he wrote the communication. The secretary immediately granted this authority, and on the 25th ult. the officers having been assembled on board of the Macedonian, the commodore proceeded to put the proposed interrogatory. The first lieutenant, the chaplain, and the midshipmen attached to the ship, answered the question in the affirmative; but six commissioned officers, and the

acting master of the ship, refused to answer at all.—On the same day the question was proposed to the officers of the ship Warren, and with the exception of Commander Jameson, one midshipman, and one forward officer, all declined answering. The officers who refused to answer the interrogatory, have forwarded their reasons for so doing to the department. They disclaim, in the most positive terms, being influenced in their proceeding, in this matter by anything bordering on insubordination, or disrespect to the secretary of the navy, or the commodore, but they conceive that by replying to the question they should relinquish that right guaranteed to every American citizen, by which he is protected from all compulsion to give testimony which might tend to criminate himself against such a question, proposed in such a manner, may be regarded as an accusation of having committed the offence complained of, and a demand of each officer to plead guilty or not guilty; also, that an answer to this question would admit a principle, establishing a precedent, and perhaps a rule, which might be made an instrument of oppression and of oppression; that the establishment of such a rule would destroy all professional pride, and banish from the service a proper *esprit de corps*; and that the object of the interrogatory being to learn the author with a view to his punishment, the effect, if any officer in the squadron committed the offence, would be to humiliate him by being tried, and rob him of his right to keep his own secret,—here the matter, for the present, rests.

STATES OF THE UNION.

COMPARATIVE TABLE, SHOWING THE MONEY VALUE OF THE AGRICULTURAL INDUSTRY OF THE SEVERAL STATES OF THE UNION.

In the September number of Hunt's Merchants' Magazine, is a table furnished for publication in that journal, by the secretary of state, showing the amount, in quantity, of the agricultural products of the union. This table does not, however, include Kentucky, the southern counties of Michigan, Wisconsin, or Florida; Kentucky and Middle Florida had not sent in their returns; and the aggregate from the southern states had not been made up.

With the aid of this table we have made an estimate of the money value of the several products, and have placed the result side by side with the population of each state respectively, to show the yield per head, in round numbers.

	Value.	Population.	Per head.
Maine	\$34,730,000	581,773	\$69
New Hampshire	55,703,000	284,574	90
Vermont	35,327,000	201,948	148
Massachusetts	88,800,000	737,609	38
Rhode Island	3,755,800	168,580	54
Connecticut	29,245,000	309,488	74
New York	238,800,000	2,498,921	98
New Jersey	35,911,000	273,303	95
Pennsylvania	136,249,000	1,724,033	79
Delaware	6,637,000	109,355	75
Maryland	48,466,200	429,257	72
Virginia	102,177,000	1,399,795	83
South Carolina	49,117,800	594,398	82
Georgia	58,300,000	691,392	85
Ohio	84,507,000	1,519,467	55
Tennessee	73,130,000	1,028,310	88
Alabama	57,066,000	555,000	100
Florida	44,776,000	900,756	71
Mississippi	41,773,000	375,601	111
Missouri	22,309,000	383,702	58
Indiana	47,859,000	685,866	69
Illinois	35,364,500	476,183	74
Arkansas	10,536,000	97,574	108
Louisiana	28,777,000	269,300	107
Dist. of Columbia	352,000	43,712	7

It will be seen by the foregoing that only four states produce more than \$100 to each head of the population—viz. Vermont, Mississippi, Arkansas and Louisiana.—Of these Vermont takes the lead; and the next is Mississippi, followed by Arkansas, and then Louisiana. Massachusetts is lowest in the scale; but that state is engaged extensively in commerce and manufactures.

The states most devoted to planting and farming, or those products chiefly agricultural, are, Louisiana, the southern and western. All the New England and middle states, as also Ohio are very considerable manufacturers, and the most of them have a large commercial and navigation interest—causes which operate to draw away hands from agriculture.

The average productions *per capita* are \$77.50.—Fourteen members of the union live above this average, the remaining ten below it.

We hope it will not be long before the public is favored with complete corrected statements, showing the results of the whole productive industry of the country. It will furnish a mass of facts, which, in

many points of view, may well be considered, as invaluable. The difference which may be visible between the productions of the several states will perhaps have to be accounted for by something besides disparities in population. In other words, the homely question may come up: "Do they work it right?" And the answer may be of some service.

[Cincinnati Gazette.]

NEW YORK.

Hon. JOHN C. CLARK, representative of the Chango district in congress, has issued an address to his constituents upon the present aspect of our public affairs. It is condemnatory of the president.

RESIGNATION. The New York Commercial Advertiser says the hon. JOHN GREIG, of Cananagau, has resigned his seat in congress as a member from the county of Ontario. Mr. Greig, it will be remembered, was elected to congress last spring, to supply the vacancy occasioned by the resignation of Mr. Granger, on his appointment to the office of postmaster general. Now that circumstances have brought Mr. Granger back again among his constituents, as a private citizen, Mr. Greig has determined to give those constituents an opportunity of sending Mr. Granger, who is their best choice, back again to the house of representatives.

A CAPTURE. Yesterday, deputy sheriff Snyder, while in the discharge of his duty at Bern, was seized by the Helderberg "Indians." They intend, it is said, to deliver him to the authorities of Schoharie, where some legal process is out against him. As he was expected to be an important witness in the legal proceedings that are soon to be commenced against some of the Helderberg men, his capture has not been taken for the purpose of securing his absence.

[Albany Argus.]

HELOREBERG WAR. The difficulties between the Patron and his tenants, is renewed. We have, by the last mail, accounts of arrests—forcible rescue—intimidation of the sheriff—&c. &c.

DISSENT. Of a malignant character is prevailing in some of the river counties above the Highlands—and also typhus and bilious fevers.

PENNSYLVANIA.

CANDIDATES. W. B. Reed, esq. who had been nominated by the whig convention of Philadelphia as the candidate against Secord, in the election for U. S. house of representatives, not only declined the nomination but also declined at the same time his seat in the senate of the state. Joseph R. Ingersoll, esq. has since been nominated.

GIRARD FUND. Among the liabilities of the late United States bank is the sum of \$1,300,000, loaned to the institution by the city of Philadelphia. It formed part of the bequest of Girard, which the city held in trust for the foundation and endowment of the Girard Orphan Asylum.

MARYLAND.

HER POSITION AND RESOURCES. A review of the position and resources of the state of Maryland is, at the present moment, an interesting theme, which no one of her citizens can well be indifferent to. With but transient exceptions, up to this period, the revenue of the state has always been adequate to meet the current expenditures of its government, without the necessity of resorting to direct taxation. But now, although those resources remain in hand, as productive as heretofore, yet the legislature, at their last session, found it necessary to lay a direct tax on the people. Why this? What has rendered this necessary? What good is to result from paying it? How long is it to be exacted?—are questions that all are interested in.

We inserted in the REGISTER, in February last, a number of statistical facts in relation to this state—its population, its resources, its late census, together with some reflections which an examination of those statements then suggested—entertaining a hope that some of the many public spirited and well-qualified men of the state would devote sufficient leisure to so interesting a thesis, as to present a full and accurate statement of the attitude of Maryland at this moment, in the cause of her involvements—her means to meet the exigency—and her prospects in encountering her present difficulties. But as yet we have been disappointed in this hope—and now submit a few of our own hurried and undigested remarks thereon, as an apology for your visit, and ought to be said in connection with a large and important subject.

MARYLAND—however another state may have run off with the application—*is*, in reality, the centre or "key-stone state" of this union: *as*, between the northern and southern states, *as*, she is classed as often and as appropriately, perhaps, with the one *as* with

the other. By those who assume that the Potomac is the dividing line on the eastern side of the Alleghenies, as the Ohio is admitted to be, upon the western side, she is classed as a northern state—others, insisting that “*Mason and Dixon's line*” is the true demarcation, attach Maryland to the southern states. As a desirable ground of settlement, if not of a *neutral ground*—upon many topics which are supposed to divide the interests and opinions of the people of the two sections of this confederation, MARYLAND must be an object of attention to the whole union. The data for reflection, upon one of the most exciting topics which this position involves, we gave in the preceding number of the REGISTER, and we repeat it in this, also, for the sake of reference. [They will be found in the concluding number of the REGISTER, vol. 59.] That topic it is not our present purpose to touch.

IN POLITICAL RELATIONS Maryland is, in a variety of particulars, an *intermediate state*. To have the capital of the nation located within what was her territory, and which yet constituted not a part, but a part of her community, is an admission of her central position, of which she may well be proud. What a vast advantage is derived to her people from having a tribute brought up annually from every corner of the union, to the national temple, in which the sanctioned assembly—a body of the ablest and most disinterested men that they are under the necessity of there expending for subsistence, is but the *pecuniary* consideration; and yet, that should have its weight in the estimate, as furnishing a *CASH* market for the produce of the surrounding region, of something approaching a million of dollars. But the *political* advantages, in consequence, when compared with the advantages derived from the *association* which it affords—may not yet be the *education* which it insures—to that people amongst whom the most distinguished and talented men from every community, of every section of the union, are concentrated, and bound to sojourn for a considerable part of each year—and those too, renewed year by year, by fresh selections? That the location of a seminary of learning, in any community, has a most powerful influence in elevating the character of the surrounding people, has long been matter of general observation. What superior advantages, then, to the people of this State, in the position which, as a common centre, the best talents of the whole country are attracted, and there retained in the fullest exercise of their highest powers? The executive of the nation—the heads of the several departments—the principal officers of government—the senators, congressmen, and the first men of each state's representatives, clustered from all quarters, the eminent of each district in the union—the supreme court and bar, always of the highest forensic talents known to the country. Such assemblages it is the peculiar fortune of Maryland to have the advantages of, from the location of the seat of the general government—considering the city of Washington, as in all those respects, it may yet fairly be claimed, in part of the Maryland community. To the eloquent voices of such men *HER* citizens daily listen, and with them mingle and become familiar.

But besides and above these fortuitous advantages, Maryland possesses others, marked out by the kind hand of Providence, and of which no revolution of society can deprive her. Embosoming within her borders one of the most magnificent sheets of navigable water upon this globe, connecting with which, her territory is interspersed with tributary streams that on one hand furnish the safest, quickest and cheapest possible highway to market from almost every plantation of one-half of the state, and on the other, afford a never failing water power, of incalculable value. Her commercial advantages have been proved by the rapid growth of her emporium, which in half a century has increased its population more than *seven fold*—say from 13,569 in 1790, to 102,513 in 1830. They have been proved by the spirited competition which the state sustains with other commercial states for superiority of tonnage—she now ranks as to number of tons, the fourth state of the union; Maine being the first, N. York the second, and Massachusetts the third. As to her ports, the symmetry of construction and deftness of sailing, the boats of the State surpass, if any are equal to, those of the Chesapeake. The forests of the state of Maryland furnish this day the best timber for ship building, except the live oak, that is to be found in this country.

As to the products of her soil, Maryland may strictly be classed as a southern state in this respect—partaking facilities for the production of almost everything produced in any other state, except rice, indigo and the sugar cane. Even cotton, the proudest staple of the south, was cultivated to some extent in Maryland long before it was attended to in those States, and now it is raised in great quantities.

But besides enjoying a considerable space of seacoast, and much the largest inland coast of any state of this union, with all the advantages derived to her

citizens from such position—besides having a larger number of safe harbors for foreign shipping than any other state, those harbors and the ample high way to them, EXTENDS FURTHER INTO THE INTERIOR than that of any other state, and the connection which it is in the power of this state to construct between these cities and the waters of the great western valley, also, and with the waters of the great western lake, are, more direct, more eligible, more practicable than any other route that can be constructed between the Atlantic and that immense region of country which those waters penetrate.

The superiority of the Maryland route of connection between the Atlantic and the west, was clearly conceded, by its being selected for the location of the great national turnpike, now McAdamized road, which by the direction of congress, was started from Cumberland, Alleghany county, Maryland, many years since, and after traversing the mountains by easy ascents, is yet winding its way towards the Rocky mountains. For the construction of this road how many millions of dollars have been appropriated! and appropriations continue to be made every few years. To have the terminus of a highway of such extent as this is, and is to be, within her borders, is of itself a great value, as well as a proof of the eligibility of position.

But it is the superiority of water courses as a thoroughfare for trade, and the fact that the waters of the west and those of the Atlantic approach nearer to each other by the Potomac valley than by any other route, will always render that the most eligible direction for trade.

The precise data which amply sustain the superiority of this route were collected and published before the people of Maryland undertook to make that connection by the artificial highways which she is now constructing. These data have never yet been controverted, and they cannot be.

It was to General GEORGE WASHINGTON himself, as the pioneering engineer of such a project, that the state of Maryland is indebted for the suggestion. He was one of the first of surveyors, as well as of warriors and of statesmen. Gen. George Washington presided in the first internal improvement convention held in the State, and the Trade route which would convene met at the city of Annapolis, perhaps in the year 1785, at any rate immediately after the revolution, for the purpose of promoting the project of improving these peculiar advantages of position. Many of the most eminent men of that day were in that assembly, and the views there presented, the state of Maryland was induced to take up, and to undertake, and at that early period, exhausted as the country then was by the recent struggle for independence, Maryland led the way towards “internal improvements,” fully persuaded of the capacities that nature had stamped upon her position for becoming the favorite depot of the vast trade which would one day find its way across the Alleghany ridge and connect the millions of people that would inhabit each side of the mountains. Large expenditures were authorised by the legislature to improve those facilities.

If we mistake not, the old Maryland canal was the first canal constructed in this country. But it was with a view to an improvement of the Potomac, and the Potomac river that the principle expenditure was then authorised by the state. So little, however, did the people of this country then know of the science of internal improvements, that it is not to be wondered at that the details of those new enterprises should be so entirely unfortunate. The attempt to make the bed of the Potomac river navigable, cost the treasury of the state of Maryland of the then very formidable sum of \$140,000, without realising any benefit whatever.

Nor was the next project in which some of her citizens were induced to embark, with others of the adjacent States, Delaware and Maryland, fortunate. The inhabitants of that part of the two States which lies between Elk River, leading into the head of the Chesapeake, and the Delaware bay, caught at the idea of connecting the two bays by a canal. How little was then known in this country on the subject of canalizing, was sufficiently illustrated by the fact that after holding a few public meetings upon the subject, it was finally resolved to commence the work upon their own hook, under the firm persuasion that it was little more of a task than to dig a common mill race—and to work they went accordingly with all due enthusiasm.

They soon began to dig, and however—and came to the conclusion that it would be better to form an association and employ workmen. Very considerable funds were raised, and an engineer appointed, who happened to know, that before a canal could be upon it, a feeder must be found to supply water upon it, and to work he went with a formidable force to conduct a neighboring stream of

water to the point of elevation. To excavate this sub-aqueal, exhausted the whole of the funds of the company, and when the water was at last let into it, they found to their utter dismay, that the natural absorption of the earth in its length exhausted every drop of the water the stream allowed and there was none left for the main canal.

To the stock of the Chesapeake and Delaware Canal company, which succeeded that project, the state subsequently subscribed \$50,000. The investment proved totally unproductive. The principal part of the stock of this company was furnished by citizens of Philadelphia, and the expenditure was immorally expended in the highest education of its stock upwards of two millions of dollars.

These discouraging results for a long time paralysed the spirit of internal improvements in Maryland. It was many years before it could again be roused into action, and when awakened, the geographical localities of the Maryland State fact to have organized parties which for a long time presented insurmountable barriers to any progress whatever. The Susquehanna interest, and the Potomac interest, were in direct variance. Neither of them were strong enough to carry any measure in the legislature whilst the eastern shore counties remained hostile to the Potomac route, by either that might bring competitors to a market of which they now enjoyed a kind of monopoly for their superior facilities of access. From this cause Maryland remained inactive for nearly half a century after the failure of her first enterprise.

It was not until aroused by the bold and successful strides of New York in opening up a route to the great western lakes—and witnessing the gigantic enterprise commenced by Pennsylvania with a view to secure the western trade—and the movements of Virginia towards connecting the James River with the Kanawha, that at length opened the eyes of the whole people of Maryland, by either that might bring competitors to a market of which they now enjoyed a kind of monopoly for their superior facilities of access. From this cause Maryland remained inactive for nearly half a century after the failure of her first enterprise.

To these considerations were superadded an estimate of the vast resources which the coal and iron mines of the Alleghany region had now begun to develop. Whether they were to remain totally inactive, or to be put to use, it was necessary to connect them with the seat of trade, or by a canal to connect the part of the state, be opened to profitable use, was now also an enquiry.

It had been one of the characteristics of Marylanders to be distinguished for enterprise. The pre-eminence into which she had recently fallen was not that of apathy, but of unfortunate inaction, and the paralyzing influence of this spirit the opportunity of improving the avenues of either the Potomac or the Susquehanna in pursuit of the trade of the west, had been prevented—a too contracted view of the true interest of the state was taken by some of her influential men. She lost much by not pushing the improvements of her natural position, as was first determined upon—and fell behind one of the states at least, instead of leading in the career of internal improvements.

Awake at length to a sense of what was really at stake, the different parties coalesced, and now, all was enthusiasm. A large party, who had previously constituted so essential a part of our prosperity, Enterprise and improvements became the order of the day. New York was making her fortune before our eyes, by her canals—and was pushing her trade to the very Ohio, which was so much nearer to us. But Maryland was not to be left behind. And the cities of the District—the states of Virginia and Ohio—and at length the general government itself, was enlisted in the project for its improvement.

The spirit of that day was admirable. The enterprise was commenced under fair prospects—and for a time the career was upward.

But difficulties were in the path. The state had become fairly embarked and made a heavy investment in this main undertaking of connecting the Chesapeake with the Ohio by a canal, when an entirely new project was started, of connecting the city of Baltimore with the same points on the Ohio by a rail road. This suggestion once captivated the Baltimore community. The state seconded their views—and a rival work was forthwith started, and soon came into collision with the prior association, for the right of way. Unpleasant feelings, bickerings, disputes, law suits, injunctions, followed each other in succession, and at length both works were locked up in chancery.

THE TIDE WATER CANAL, which has also been constructed with a view to facilitate the transit of produce between the city of Baltimore and the Susquehanna region—and to connect with the Pennsylvania canal, and through that avenue with the west,

To pay for completing their line of road and its fixtures—to discharge debts which they have allowed to accumulate for want of funds—and to redeem notes and scrip which they had issued in payment for those and for the apparatus used upon the road, till for some time, continue to exhaust most of what the company will receive for travel and transportation. The ramifications of trade require time, to adapt themselves to any new channel, and as yet at this time has not been afforded to either this work,

as well as ultimately with the lakes. This work also has but just been so far completed as to commence operations, say during the summer of 1840—but has been repeatedly interrupted to make indispensable "repairs" as they are called. Frequent publications announce the extent of business already done on the canal, yet it would be too sanguine to expect that their receipts will, for the current year, be sufficient to aid the public treasury, in meeting the interest which will be payable upon the one million loaned by the state to the undertaking. The company is considerably involved in debt. The state owns no share in this company.

The entire revenue of both these works, if we are not mistaken, are mortgaged to the state, to secure the loans she has advanced to them.

THE ANnapolis and WASHINGTON RAIL ROAD, 201 miles in length, connecting the seat of government with Baltimore and Baltimore road, was put into operation in a very incomplete condition, in December last, and even the connexion of the roads is not yet arranged. The buildings required are unfinished, and the terminus on the Severn, not yet located through the city. They had the misfortune to have a burning locomotive burnt down, and with it their two locomotives by the fire and by the loss by it nearly \$3,000. The company having exhausted its funds was embarrassed by debts and unable to obtain reliefs wherewith to do much of the work that has been offered. The receipts for the month of August, even under these disadvantages, were upwards of \$2,000. The average however is so much. The expenses ditto when once the road is completed, will be very considerable. The entire cost of construction, including the debts due by the company, amounted according to their last report to \$144,435 61, of which the state had subscribed \$300,000. Until the road is complete, no operation, the state cannot expect to derive any thing from this investment.—This is the only company that has yet made the cost of their work come within the estimates originally furnished. To construct the road without its appendages was estimated to require \$350,000. Interest and exchange on the loan had to be constituted the largest item of the excess in the cost.

More than one-half of the total receipts of this company go to accumulate the receipts of the Baltimore and Ohio rail road company, without the latter company being at one cent of cost in constructing this line. In short, it is from lateral roads that a large portion of their profits will ultimately be derived. The rail road which starts from Harper's Ferry, and is penetrating by Winchester through Virginia, is another of its profitable connections.

THE CHESAPEAKE AND OHIO CANAL, under a charter granted by Virginia in 1824, and by Maryland and the congress of the United States in 1825, was commenced in 1828. Its entire projected length is 341 miles—its width 60 feet, and depth 6 feet—being equal or superior to the capacity of the New York canal, after it shall have been enlarged as now constructing, at an expense of double its original cost. The amount of lockage required in the entire line is 3,205 feet—of tunnels, 4 miles 80 yards, with a deep cut of 1,060 yards at the west end and 14 at the east, with a basin of 280 yards in length and 64 in width at each end.

The eastern section of this canal has been completed and is in operation from Georgetown to within fifty miles of Cumberland, and on this fifty miles 82 boats have been expended, and a considerable part of this distance has been excavated, and the heaviest part of the whole, the tunnel, is more than two-thirds done. The residue of the work, says Mr. President Thomas' reports of January, 1841, will require \$1,825,300,—with the debts now due by the company, the amount will amount to between two and a half and three millions of dollars. The residue of the entire cost to Cumberland, as reported by Gen. BERNARD, then engineer in the United States service, was eight millions of dollars. The entire cost, however, will fall little short of twelve millions, of which the state of Maryland will have contributed nine and a half millions. The state of Maryland holds mortgages of all the property and revenues of the company, including what the United States, the state of Virginia and the District cities have severally subscribed, as well as what private stockholders own.

The interest payable upon the state's investment in this work may now be estimated at \$125,000 per annum—and every day that its completion is delayed, costs the state \$1,164 for interest alone.

The very shortest method to relieve the people of this burthen, is to bury the canal, and bring the receipts which it would have produced from it, after it has reached the coal and iron mines, to the aid of the public treasury.

The ultimate connection of this canal by the shortest route with the Chesapeake waters, we regard as

a matter of course, after the main stem shall have been completed to the mines.

There is not one canal in the world, of which we have any knowledge, connecting coal and iron mines with places of trade, but what have turned out to be profitable. New York has no such auxiliary on her extensive line of canal, and yet her canal has more than paid for its entire construction.

The estimates are, that in seven years after the Chesapeake and Ohio canal shall have reached the coal region in Allegany, it will be worth more than thirteen millions of active capital to its proprietors, and that every year that sum will be accumulating. Expense, in less than three years the value of the taxable property in the state will have increased in consequence of its completion, more than would pay, by the tax levied thereon, the interest of the whole sum now required to complete the canal to Cumberland. How much has the value of property in the state of New York been enhanced by the construction of her canal? What would be the value of the property at Muncie Chalk, and in the vicinity of the Pennsylvania mines, if they were now without their canals? The increase of capital, of population, of wealth, dependent upon completing this work, is incalculable. Maryland having coal, to any amount, to export, instead of having to import and sell to foreigners for thousands of tons annually for her own consumption, will, of itself be a most important change in the course of trade. The Schuylkill mines alone sent 500,000 tons of coal to Philadelphia last year. We have read a notice that over one hundred vessels are now waiting for loads of coal, and that one time in the Schuylkill, at Philadelphia, a few weeks since. It is calculated that 800,000 tons of coal would descend from Cumberland by the Chesapeake and Ohio canal, the first year it is fairly put into operation. This, at one cent per ton per mile, would produce, of itself, would realize more than sufficient to pay the interest on the whole sum advanced by the state towards constructing the work.

Add to this the value of the coal itself, now buried in the recesses of the mountains—of the iron, becoming every day more and more useful, more necessary and more profitable—and the value of the markets while subsisting the thousands whose industry will be required to work the mines, the forge, the furnaces and all the machinery of such establishments. What is it that has built up Lowell in Massachusetts, within a few years from a wild solitary residence, to a community numbering over 25,000 inhabitants, holding property worth many millions of dollars?

Ten companies are now waiting to commence the transportation of coal so soon as the canal is completed. One of these proposes to contract to pay the canal company \$100,000 per annum for the privilege of transporting their coal alone. Others it is believed would be glad to make the same bargain. The state geologist, in his last official report to the legislature, represents one of the coal fields as containing 86,844 acres, and estimates the value of the coal alone, exclusive of the iron, at sixteen hundred millions of dollars. This is thought extravagant. It may be so, our object is not to exaggerate. We are content with the assurance that untold millions upon millions in value, the materials of wealth and prosperity, are to be opened to Maryland enterprise, and brought to market by the Maryland industrial system, and which, without its completion, would remain as they have remained, like the diamond in the mine, not worth one cent.

Do we want better data than mere speculative promises of such results? We have them in the official reports of the products actually realized from similar works by our neighbors. The tolls of the Pennsylvania works last year amounted to upwards of one million of dollars. Governor Seward informs us that the net revenue of the New York canals are over one million of dollars annually.

Maryland, though temporarily embarrassed, is rich. Her untold resources remains adequate to the current expenses of her government—exclusive of the debt which she has contracted towards constructing, and which are now coming rapidly into a condition to repay the treasury for the temporary outlay which the people are called upon to contribute towards their completion.

The amount actually appropriated towards public works up to the year 1840, if we mistake not, may thus be summed up:

The Chesapeake and Delaware canal,	\$50,000
The Baltimore and Ohio rail road,	3,700,000
The Baltimore and Washington rail road,	500,000
The Chesapeake and Ohio canal,	7,500,000
The Baltimore and Susquehanna rail road,	2,250,000
The Tide Water canal,	1,000,000
The Annapolis and Elk Ridge rail road,	300,000
	\$15,100,000

This is exclusive of the two millions appropriated last session towards completing the Chesapeake and Ohio canal, but made under such restrictions, that the company have not been able to avail thereof, and it therefore remains inoperative.

On three millions two hundred thousand of the sum included in the Baltimore and Ohio rail road item, that company has contracted to, and will no doubt pay three years interest.

This virtually reduces the above aggregate to \$11,900,000.

But let us concede the whole amount as due, and that the state has to provide annually for the interest accruing on that amount—say in round numbers \$800,000—the cost of finishing the Chesapeake and Ohio canal to Cumberland in the estimate, and it ought to be included, the interest upon the whole would amount to nearly \$1,120,000.

What resources have we to meet this with?

Entirely unaccounted as the people of Maryland have been to a state tax, they hardly know what an untouched resource they have in reserve.

Of the result of the general assessment which was ordered by the last legislature, and which is about being completed, we are yet unprovided, and have therefore to resort to mere estimates, predicated partly upon the results of old assessments.

Without having room for the particulars which lie before us, it will be sufficient to sum the aggregate in round numbers. Without pretending to accuracy, they will be found not very foreign from the mark.

In 1790, fifty years ago, there were 5,444,372 acres of land assessed in the state. We set down the value of the land now, at one hundred millions of dollars,

\$100,000,000

The value of the improvements thereon, including buildings in the cities, the improvements upon the water courses, dwellings, upon the farms, &c.—and all other "real estate" 100,000,000

"Personal property," including live stock (the horses alone, in Maryland, we observe by the returns under the census, are valued at four millions of dollars), and all sheep and swine swells the amount upwards of eight million of dollars).

Stock in trade. (The mayor of Baltimore, in his last annual report estimates the goods sold in that city annually, at \$18,400,000. By the census returns of the state, it appears that there are seventy houses engaged in foreign trade—one hundred and seventeen commission houses, with 1,266,700 capital, and 2,308 stores, having an aggregate capital of \$9,157,494. Bank and all other joint company stocks, (the bank alone is about ten millions of dollars). Bonds, notes and other evidences of debt—foreign stocks owned by citizens of the state, shipping, agricultural products—the value of grain produced annually, is, according to the returns of the census, \$2,289,490. Tobacco and hay over one million each).

Furniture—carriages—ornaments—books—implements—&c. &c. We are surely under the amount in setting down the whole at

100,000,000

Making the whole assessable property \$300,000,000.

And this, if we are right in our recollection, was about the amount estimated by the house of delegates, during their discussion upon the subject.

Upon this sum, a direct tax of only five cents on every one hundred dollars, would pay off the whole of the state debt at once, in a single year, and leave us our investments in the public works, whatever they may prove to be worth, clear!

The tax levied under the act which is about to go into operation, is only at the rate of one fifth of one cent, on every one hundred dollars worth of assessable property; and at that rate, if our valuation be not too high, the tax will amount to \$600,000 per annum.

At the rate of one third of one cent in every one hundred dollars, the product would be one million dollars.

But besides this ultimate and ample resort, which presents Maryland in her real and colossal powers, if discussion demand their exercise, we have other formidable resources which will be brought into requisition.

First of these, is our proportion of the products of the public lands, which, under the act of the

late extra session of congress is more at length insured to us.

By a calculation which lately appeared in the Baltimore American, it is shown, that had the law which passed both houses of congress in 1832, and which President Jackson prevented from then going into operation, by defeating the sufficient majorities that were then in each house to have enacted it, the veto notwithstanding, if he had then returned the bill with his veto—Maryland's proportion of the sale of lands, from 1832 to 1835, would have amounted to more than nine millions of dollars. What it would have been from 1835 to this period, we have not ascertained.

According to an estimate which we lately published, supposing the annual sales of land to average only three millions of dollars, the proportion receivable by Maryland would be \$2,000,000 per annum. This is, in some way, what it may amount to, is a new, and, it is by me, hoped, a permanent revenue to the state treasury.

Again:—We have an honest and long delayed claim upon the United States government for the balance of what the state patriotically advanced during the late war, which, with the accumulating interest thereon, now exceeds \$100,000.

We have also the claim for the last instalment of the surplus revenue, which by law was to have been divided among the states.

We have the bonus to which the state will be entitled upon rechartering the several banks of the state—nearly all of whose charters expire in 1845.

We shall have in aid of the current resources of the state, the *lottery revenue*, relieved of the charge thereon of \$12,000 per annum for the completion of the Washington monument—and the *auction revenue*, recovered from the payment of \$20,000 annually for indorsements.

And lastly, we shall have whatever additional revenue the further progress and use of the various public works will now begin to bring in, in remuneration for the advances made by the state towards their construction; and which will eventually bring more of them, if not every one of them from the "unproductive" side of the treasurer's annual statement of the capital of the state of Maryland. Fifteen millions invested, yielding six per cent. would amount to \$900,000 per annum.

In the meantime, the legislature when they first commenced the public works and permitted the ditto of the state to be used, made a wise provision for redeeming the principle of the debts thus contracted.

A **SINKING FUND**, was instituted, which has ever since been in vigilant though silent operation, and which amounted according to the treasurer's report as of 1st December last, to the sum of \$1,076,539 88, and so constituted, and by him regularly compounded, that the state has not only to maintain its integrity, and this resource will of itself pay off the whole of the principal of all the debts which the state has incurred, by the time the several loans which constitute them, shall become payable—leaving us, when this is effected, the whole investment, and all the revenues it may produce, as a clear gain.

Such are the views which have stimulated the real friends and steady supporters of our system of public improvements, throughout all the vicissitudes of the very difficult, and sometimes unpopular task which their views of the true interest of the state inspired them to undertake, and by which they pressed forward with all their might, and with the proofs of the result so far, of which they promised—the basis of the future prospects for Maryland. A full share of the travel and trade of the west—a full development of the mineral resources of the Alleghenies, and a realization of their vast value, with all the salutary and salutary results inexhaustible—these are the fruits of the policy of the state, and the first and the most essential ingredient towards comfort, as well as the most material agent towards manufactures—besides opening an avenue to water power beyond calculation in amount. In short, such is the prospect of prosperity and wealth to the community, as well as of future resources for the public treasury, which prompts a spirited effort to complete the task in which we have so far progressed, and which we have such ample means of accomplishing.

[After having prepared more than two-thirds of this article for the compositor, we received the *Frederick Herald*, of the 25th September, containing an excellent article on the same subject, of which we avail in penning the residue.]

NORTH CAROLINA.

SUMNER. The United States Gazette says:—"We had the pleasure yesterday of examining another large number of silver from the mine in Davidson county, North Carolina. It weighed about forty-two pounds, and was as antique a 'hunk' of mineral as we have seen for a long time. It has gone to the

mint, where, true to the character of the newly rich, it will soon be taking 'liberties.'"

DRAINING LANDS. This state some time since made an appropriation of \$200,000 for the purpose of draining and reclaiming swamp lands belonging to the state. We now observe that a body of about 50,000 acres of reclaimed land, situate in the county of Hyde, will be offered at auction in sections of 100 acres each, on the 30th November next. The drainage has been effected by the construction of two canals, each about six miles in length, which empty into Pamlico Sound and are navigable by vessels engaged in the southern trade.

SOUTH CAROLINA.

STATEMENT of the Bank of South Carolina, 5th September, 1841.

Discounted notes	\$569,669 91
Do. under compromise	26,378 03
Bills of exchange do.	27,922 55
Stock—state, city and bank stocks	131,428 14
Specie on hand	80,089 03
New York funds at maturity	10,639 74
Bills of exchange maturing	64,040 58
City bank notes on hand	17,000 00
Country do.	7,072 00

Bonds	178,901 35
Real estate	110,231 99
Incidental expenses	40,000 00
	24 04

	\$1,855,556 04
	CR.
	\$1,000,000 00

Profit and loss, balance as a contingent fund to meet any losses	52,583 64
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Discount account since the 20th June last	\$9,391 46
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Do. on exchange	312 61
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Premium on do.	812 22
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Interest received	4,035 71
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Dividends, unclaimed arrears	4,980 86
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Do. last six months	8,325 75
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Bank notes in circulation	8,306 61
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Deposits	156,405 76
	\$1,855,556 04

THOMAS CHAPMAN, *cashier*.

ILLINOIS.

The people of this state are engaged in discussing the propriety of calling a convention to amend their state constitution.

ELECTIONS. The following summary of votes at the late congressional election, is made up from the official canvass:

	1841—		1840—	
	W. H. F. Buren.	W. H. F. Buren.	W. H. F. Buren.	W. H. F. Buren.
1st district,	5,319	8,913	7,487	11,594
2d district,	7,177	6,076	8,822	18,019
3d district,	21,698	19,553	29,349	25,883

Total,	34,138	34,572	45,558	47,496
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S. R. Rowan had 162, and W. Gilman 7 votes in the 1st district. F. Colliers, the abolition candidate, had 537 votes.

MURDERER AND BANK ROBBER ESCAPED. JACKSONVILLE is again in an uproar. The bank robber, and Gardner, the murderer, who was sentenced to be hung, and whose time expires the first Monday of October, broke jail last night, cutting off the timbers in the floor of the debtor's room (they being confined below) and came up into the room, and out of the window. No one has got after them.

[St. Louis Mail, 10th ult.]

MISSOURI.

TRIAL AT PALMYRA. The St. Louis Bulletin of the 13th September says, "The three abolitionists, (Burr, Work and Thompson), who were brought in the act of enticing away slaves from this state, have been tried, convicted and sentenced to the penitentiary for 12 years. The case was conducted by Abernethy, the prosecuting attorney, assisted by Messrs. Anderson, of Palmyra, and Crockett, of St. Louis, and the defence by Messrs. Wright and Grove, of Palmyra, and Mr. Warren, of Quincy. We hope the result of this case, will have a salutary influence upon these decided fanatics in other places."

FLORIDA.

The correspondent of the Savannah Republican, writes on the 18th September: The news from Tampa is of a varied complexion. A good portion of the band of Hospitali has "come in," in accordance with the "talks" which that warrior sent to them.

The news in regard to the success of Wild Cat (Coachoochee), is not so cheering. That chief has returned to Tampa, from his mission to the camp of Tiger Tail, saying that Tiger Tail refuses to present to give up. He will consider upon the matter, but will wait until his brother arrives from Arkansas. His brother has been sent for by express, and it is hoped when he arrives, that his tale, by promise, will be more satisfactory. Tiger Tail to receive a portion of it in lieu of his present hunting ground.

Halleck Tustenuggee, it is thought, has left the Ocklawaha, in order to dub his forces with those of Sam Jones. The report of Sam Jones' "coming in" is a small mistake. When he and Halleck come of a peace accord, you shall hear of it, if we can raise one, by special express, and the paragraph which announces it to the world, may indeed be headed "Glorious News."

IOWA.

ELECTION OF DELEGATE TO CONGRESS. The official result of the election for delegates gives:

Ridge, (Van Buren)	4,398
Dodge, (Whig)	4,314

Dodge's majority,	514
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DEBATE ON THE SECOND VETO.

SPEECH OF MR. BOTTS, OF VIRGINIA,
ON THE SECOND VETO MESSAGE.

House of Representatives, September 10, 1841.

The bill entitled "an act to provide for the collection, safe-keeping and disbursement of the public revenue, by means of a corporation to be styled the Fiscal Corporation of the United States," having been returned to the house of representatives by the president of the United States, with his objections thereto, and it having been made the order of the day at the hour of twelve—Mr. Botts called for the special order, and the house proceeded accordingly to reconsider the bill and the objections; when Mr. Speaker rose from the floor, and said: I should have been content, Mr. Speaker, to have permitted this second veto of President Tyler to pass without remark from me, but for the peculiar position I happen to occupy before the house and the country.

Coming not from the same state, but from the very district which gave birth to Mr. Tyler, and which he formerly represented in this house, and bearing to him the relations of personal and political friendship at the opening of congress, I have, from a high sense of public duty, felt myself called upon to array myself in opposition to him, and have employed terms relative to his executive course at once harsh and offensive. I have, in an address to the public, and in my representative character on this floor, charged him with perfidy and treachery to the party that elected him—with infidelity to the principles upon which he obtained his present lofty situation; and I feel that it becomes me to make good my charge, not only before the nation, but by facts that cannot be contradicted; and if I do not establish it conclusively and irresistibly to the mind of every disinterested man, I will not only take back what I have said, and make the most ample atonement in my power, but will consent to take upon myself all the odium that ought to attach to one who has so grossly failed in his groundless charge against a high public functionary.

It will be borne in mind, also, that when this charge was uttered on the floor, the honorable gentleman from Massachusetts, (Mr. Cushing), like a gallant knight, at once came forth in defence of the president, and challenged an argument on the subject. The glove being thus thrown, I promptly took it up. The now come forward, before the nation, to repeat the charge and vindicate my cause; and to an intelligent public I shall leave the decision.

Before I proceed to this, however, I must be permitted to glance hastily over this extraordinary message of the president, which I scarcely know how to characterize. I say that it is a world, by its very form and discreditable state paper, destitute of plausibility or ingenuity, and wanting in frankness, candor and sincerity, is to say, perhaps, much less than it deserves.

Before I came to the house this morning, I examined it with some care, and shall offer what I conceive to be a perfectly fair analysis of the message; and I beg the members of the world, by no means to be disposed to justify the veto, to examine the message as I proceed, and correct me if I fall into error.

It commences, then, with an expression of extreme regret that he could not sign the bill, and I apprehend, if the regret felt was half as great as it is, it would, perhaps, by this time, have a

law establishing some mode for the collection, safe-keeping and disbursement of the public revenue.

Then he begins with his objections to the bill, and the first is to the power of congress to establish a national bank to operate *per se* over the union."

Well, what distinction he draws between a *national bank* and a *national bank per se*, I confess I don't exactly comprehend; a national bank *per se* I take to be one *by, of or within itself*; and what other sort of *national bank*, created for national purposes, could it be, but it is to be inferred that if we would establish a national bank without the *per se*, this first objection would be removed. Well, sir, there is no *per se* in the bill; the president has put it there, as a *faux artifice*, upon which to found an objection.

"Next we have an admission that 'the qualified veto' with which the chief magistrate is invested ought to be most cautiously exercised; upon this point I believe we all agree, and it is much to be regretted that the president has not found it agreeable to practice a little more on his own theory. By the bye, sir, let me mention in connection with this subject, that I have from the first moment that I had a fair understanding of the provisions of our constitution and the principles of our government, been adverse to this *one man power*, called 'veto,' and shall never consider myself a citizen of a free government until it is effaced from the constitution."

"We are then told that the veto power never can be exercised except against the will of a majority of congress; this will scarcely be regarded as a new discovery! It is to be presumed if congress was indeed as ignorant of constitutional laws as the vetoes of President Tyler would intimate, that most of us must have known that he could not veto the will of a minority."

Now we have what I regard as the most extraordinary passage or objection contained in the whole message, and I quote the passage: "Does it," says the message, "violate the constitution by creating a national bank to operate *per se* over the union?" Its title, in the first place, declares its general character to be "an act to provide for the better collection, safe keeping and disbursement of the public revenue, by means of a corporation to be styled the Fiscal Corporation of the United States." In style, then, it is plainly national in its character. Its powers, functions and duties are those which pertain to the collection, keeping and disbursement of the public revenue. It means by which these are to be exercised is a corporation, to be styled the "Fiscal Corporation of the United States."

Before I proceed further, let us examine this objection for a moment. Is it, indeed, objectionable that a bank established by the national legislature for the purposes of the whole nation, for the uses of the national government, should be national in its character, and should provide for the better collection, safe keeping and disbursement of the public revenue? Is it, indeed, true, whenever congress shall pass a bill with powers, functions and duties pertaining to the collection, keeping and disbursement of the public revenue, that the interpolation of the veto power is to be expected? If so, then I would not hesitate much to say that the time for revolution is not distant.

The president then proceeds to give the true character of the bill, which it would seem to me was its strength and weakness, and which is the only ground for the propriety of its passage. "It is," he says, "a corporation created by the congress of the United States, in the character of a national legislature, for the whole union, to perform the *fiscal purposes*, meet the *fiscal wants* and exigencies, supply the *fiscal uses*, and exert the *fiscal agencies* of the treasury of the United States." Such is its own description of itself. Do its provisions contradict its title? They do not."

Who can read this and not stand amazed? From what quarter, or from which of his numerous unconstitutional and irresponsible advisers such an objection as this could have come, I am at a loss to conjecture. It came from the mouth of the chief magistrate of the United States, the man whom the country of John Tyler have exerted myself to sustain for the many prominent positions he has aspired to, and whom the people have elevated and confided in. I cannot believe it came from any of the gentlemen with whom I am in the habit of association, said to have been his private friends, and who were seen hiring scribbler for a dirty penny paper advocating at times the most detestable and destructive locofoco doctrines; but surely, surely it cannot be, that the American people are now to be gravely told, after eight years' struggle for a reform of the currency, that they have that which is the best mode of securing the better collection, safe keeping and disbursement of the public revenue; that a treasury agent to perform the *fiscal purposes*, meet the *fiscal wants* and exigencies, supply the *fiscal uses*, and exert the *fiscal agencies* of the treasury of the United States, must not be national in its character, but must be confined

in its *per se* operations; not to the union, but to the District of Columbia; for every law passed by congress is of necessity national, except those passed as a local legislature for the exclusive benefit of the District and the territories.

Why, sir, if rumor speaks the truth—I mean rumor with a thousand tongues, not the "rumor" at the other end of the capital, that has occasionally been repeated, that the bill was introduced by Mr. Sumner, the title to this bill was in the president's own hand writing, and its provisions sanctioned by him before it was introduced here; but more of this hereafter.

He admits that its powers are seemingly more limited than have heretofore been granted to such institutions. "Every United States bank heretofore created has," he says, "had power to deal in bills of exchange, as well as in local discounts; and it was because he objected to the power of local discounts, contrary to the sense of all the whig party in both houses, that the operation of the bill was considered indispensable, and now it is enumerated with the objections to the bill. And after this undertaking to show that it is a national institution, which no man in his senses ever dreamed of disputing, he assumes that it may be regarded as a local bank of the District of Columbia, invested by congress with general powers to operate over the union, and it is therefore obnoxious to still stronger objections." The message continues: "It assumes that congress may invest a local institution with general or national powers. This view is precisely what the president asserted when he first proposed that congress, as local legislature, should establish a local bank in the District of Columbia, and then invest it with general uses and national powers, with the assent of the states; and the idea was laughed into ridicule; and when he perhaps became ashamed of it himself, he endeavors to turn his own avowed objections upon congress, and make it possible for his vagaries."

These are to be regarded as his constitutional objections, for he then says:

"When I come to look at the details of the bill, they do not recommend it strongly to my adoption."

His first objection to the details is: "It may be the subject of discount, and, therefore, of the most objectionable character;" though, as I have before said, it was limited in its transactions, because the president required it, to bills of exchange.

His next objection is, that "there is no limit prescribed to the premium in the purchase of bills of exchange, as one portion of our countrymen would say, I incline to calculate that it would put the financial skill of the president (who, it seems, is an adept at the trade) to the test to regulate the rates of exchange in a bank bill for the next twenty years. Congress supposed—foolishly, it may have been—that this would depend a good deal on an individual, and would not be long even. And a little further on it appears that, although a system of discounts of the most objectionable character may be substantially justified, yet it is a fatal objection to the bill that, 'whilst the District of Columbia is made the seat of the principal bank, its citizens are excluded from participation in any benefit which might arise by a positive prohibition of the bank from all discounting within the District;' notwithstanding we are previously reminded in the same message, and it could not therefore have escaped the observation of the president, that there is an express reservation in the bill 'to modify or create any bank or banks within the limits so far as the aggregate capital shall not exceed five millions.'"

"These are some of the prominent objections," he says; "but there are others that it would be unprofitable to dwell upon." Well, in this I agree with the president. If there are none stronger than these he has said, and he cannot enforce them with more power than these he has specified, it would be unprofitable indeed to dwell upon them. But, strange as anything that has yet preceded it, he says: "suffice it to add, that this charter is designed to continue for twenty years without a competitor." Well, what does he mean? Does he intend to say that, if favorable plan with a portion of the *abstracted party* for a while. Can it be this that the president refers? If not, what in the name of heaven does the message mean by objecting to this bank because it is to have no competitor for twenty years?

In conclusion, he tells the most anxious solicitude to meet the wishes of congress in the adoption of a

fiscal agent; and, restrained by this feeling, he has been ready to yield much, in a spirit of conciliation to the opinions of others. Whatever may be said of the balance of the message, for the want of discretion, sound sense, or ingenuity, in this I must say the president betrays, as the nation will discern, and as we all know, a destitution of sincerity and candor. That has he no conscience? He will never be reconciled? Is it not known that two bills have passed the two houses of congress, neither of which was entirely acceptable to them, in a spirit of conciliation towards the president, and that he has put his negative on both? Is it not known that the provisions of the 10th section of the constitution will never be assented to by congress, that they would find favor with him, and that he availed himself of that section not only as a reason for the veto, but turned it into ridicule and scorn, and endeavored to hold up his own friends, who had placed him in power, as wanting in naughtiness and candor? And is it not known that this identical bill, now sent back, came here approved and sanctioned by him? That we were so compromising and conciliatory as to stoop to consult his wishes before we legislated for the nation's weal? And then he returns it with a second veto, and talks about his *conciliatory temper*, asks for time to consider the matter, and then recommends such measures as he shall judge necessary and expedient. *Time!* The president of the United States wants time, and very lamely and respectfully entreats for *time!* Time for what? To consummate a mischievous, wicked and corrupt coalition with our enemies, and to do this he wants *time!* A man who has filled more distinguished stations by good fortune than any other man of the same capacity ever filled before—a man whose *good luck* in procuring office led to the prediction of General Harrison's death before he was elected; a man who, after a number of the houses of representatives and senators of previous administrations, and of the offices he filled at home—a man who had been called on to speak in both houses on the subject—one who, as chairman of a committee, had investigated the whole internal police and management of the late bank, and prepared an elaborate report on the subject, and after a protracted session of the congress almost as long as from this time to the meeting of the next congress, and with the subject under deliberation from the 1st of June up to this time in congress, comes forward and tells you he has not had *time* to prepare and submit a decisive recommendation of his own and sincere opinion on the subject, and to elaborate reflections on the subject? All that he can serve to deceive some people, but it did not fool me. If I could have my *own way*, I would never leave this capital until the public money was put under the control of law, and the president divested of all power over it.

"It has been his good fortune and pleasure to concur with congress in every measure except this, and why should our difference on this alone be pushed to extremes. How supplesting! How humble! Why, sir, let me tell you, if you do not know it, that it has not been his pleasure to concur in all the measure. There was one, and that, next to this, the most important, that he signed without the least compunction. He says himself, 'It was a difficulty and hesitation in signing the bad or distribution bill notwithstanding, in his message to congress, he recommended its passage in the most unqualified terms, and notwithstanding, the last winter in which I served in the legislature of Virginia, he, as chairman of a committee, brought forward a resolution recommending its adoption, and a resolution instructing senators to vote for it; and nothing, let me tell you, but his deep and unqualified commitment to the measure ever obtained his signature to the bill, because it was so distasteful to the other party.'

But the *peculiarity* of his situation is appealed to as entitling him to a postponement of this subject to a more auspicious period for deliberation." The peculiarity of his situation! What is that peculiarity? He came into the presidential chair surrounded by such a party, for numbers, integrity, influence and fidelity, as never surrounded a president before, with a majority in both branches of congress ready to sustain him in all proper measures, pledged to carry out all the principles of reform which a corrupt dynasty of twelve years duration had rendered indispensable to our prosperity; pledged, too, upon a principle which he claimed to have been the first to suggest, of his *concurrence* in the terms; and he himself has been fairly installed into office, fired by a mad ambition, he sets himself up for the succession, detaches himself from his old friends and his party, collects around him as confidential whisperers men who, in some instances, are unworthy of his sight, much less of his confidence; and he himself, in the name of the opposition, in hopes of finding favor with them for their desertion of us, and now comes to con-

gress to talk about the pecuniary of his situation, and asks for time to deliberate.

Mr. Speaker, as it is impossible to serve God and mammon both, so I conceived it impossible to serve Mr. Tyler and my country at the same time. Intimate with him as I had been, personally devoted to him as I was, when I found he had forsaken his principles I forsook him; when I found he had abandoned the faith upon which I supported him and the whig party had supported him—when I found him grasping at the purse strings of the nation, repudiating all laws by which the public money might be controlled, filling the public treasury with a vast amount, and then refusing his assent to such laws as the representatives of the people approved for their safety and disbursement, I abandoned him, and made war upon his principles and his policy. I came not here to war for men, whether for friends or against enemies; I came here to serve my country to the best of my power, and then refusing those principles upon which alone I believe the prosperity of the country can be preserved; and if I have been compelled to sever personal and political ties that have bound me to them for years past, it may be painful, but I am not troubled with the mortifying reflection that it has been so. I have no enemies. On the contrary, I feel proud a satisfaction at having shown that neither friendship nor individual advancement could drive me from the discharge of a high public duty.

Having now disposed of the veto message, I will proceed to make good the charge of pecuniary profligacy which I have just endeavored to do in a becoming spirit and temper; avoiding as far as possible all personality towards the president further than may be inseparable from a fair discussion of his public course, and then it will appear rather as a necessary consequence of that course than from any disposition I have to be malicious. I have no quarrel with him; there was sometimes policy in rashness, and I believe it to be true; and, perhaps, there could be no more fit occasion for a little intemperance than this, but that I feel I should better serve my purposes by avoiding it. In truth, sir, I feel no excitement; I have watched over the public bill, and the lingering death bed of another, until at last he becomes familiarized to the scene by preparation for the event, but at the same time I must say, my indignation has increased rather than diminished at this last act of treachery of his cabinet, to congress and the country as I will show in a moment.

At the first place, then, I state the proposition broadly, that the question of a reformed currency, which was contemplated through the operations of a national bank, was the great, leading, and paramount question in the late political canvass, and so understood to be throughout the whole of the country, that all various ignorance of the political history of the country not to know it, and a still greater degree of duplicity to deny it. I surely do not mean to say it was the only question anywhere presented, but it was a prominent question every where, made so by my adversary even where our friends desired to avoid it. So with the sub-treasury, it was another great and leading paramount question on the other side, but not the only question; the distribution bill was another question; so with the Hooe case, the standing army, infidelity of public agents, and a vast variety of other questions mixed up together, each having its bearing and influence; but still, at last, the currency question lay at the foundation of the contest. I am glad that those who are expected that we should admit it, when pressed upon us, that this was the exclusive test, and drive from our aid all who were disposed to join us on other grounds. And I am very far from intimating that all who voted the whig ticket are pledged to support a national bank, but I do maintain that those who are expected to do so, the party, at least to carry out their general principles, were at least pledged under all the circumstances to carry out the most prominent and most important, or to have declared their hostility to those measures when the nomination was tendered to them. Let us see what were the peculiar circumstances under which Mr. Tyler was elected.

In December, 1839, a national convention of the whig party assembled at Harrisburg to nominate a president and vice president. From the time of the expiration of the charter of the late Bank of the United States up to that period, the currency of the country had been in the most wretched and embarrassed condition. The only topic of discussion throughout the country; the army bill, Hooe case, and the rest having arisen subsequent to the nominations at Harrisburg, and therefore could have had no influence on the mind of Mr. Tyler, although they might have exercised an influence on many a voter at the polls; though, notwithstanding the influence of this general derangement of the currency, the

stagnation of business consequent upon it, the fatal experiments that had been made to correct it, which only served to plunge it into deeper difficulty, thousands of the wisest men in the country were known to have changed their opinions not only upon the question of expediency, but also of the constitutionality of a bank, and, in the absence of all other proof, when Mr. Tyler stepped forward and arrayed himself under the whig banner, and identified himself with the whig party; without explanation or qualification on his part, it would have been a fair and natural inference that his mind had undergone a similar change. But did not the least of it follow? Did he did go to the Harrisburg convention a bank man, and I know it. I speak upon my own knowledge of his opinions; the summer preceding I had travelled through the western country in company with Mr. Tyler, and was with him for some weeks, during which I heard him speak in staunch conventional positions, (which were of course not confidential), if I were to say twenty times I should not be extravagant, that he was satisfied a bank of the United States was not only necessary, but indispensable; that the country could never get along without one, and that we should be compelled to resort to it. And yet, when I did go to the Harrisburg convention, and was understood to say, Will my colleague say that he ever heard Mr. Tyler say a bank of the United States was constitutional? The cries of "order! go on! go on! do not yield the floor!" &c. were so loud that Mr. B. could not distinctly hear the question put.

Well, sir, I have stated precisely what Mr. Tyler himself said—other gentlemen are as competent to draw their own conclusions as I am—but, sir, I will prove that he was not only a bank man then, but that he continued one until some time after the meeting of the present congress.

Well, sir, what part did Mr. Tyler play at that convention? Why he not only led us up to the last moment in the recommendation of Mr. Clay, but, as he himself states, wept over his defeat. Now will any man pretend that Mr. Tyler did not know that, if Mr. Clay was elected, the first great leading measure of his administration would be the establishment of a national bank? And did he not then recommend to the American people a candidate whose first act would be to commit a violent outrage upon the constitution, or that he recommended to them a candidate whose administration he knew in advance he could not support?

That was the position of his confidential friend in the senate (Mr. RIVES) a few days ago? Is Mr. Rives to be regarded as expressing the sentiments of Mr. Tyler? I presume he is. Well, Mr. Rives says that the nomination at Harrisburg turned on the bank question, and that but for Mr. Clay's known and avowed sentiments on that subject the nomination would have been bestowed on him; and that it was because General Harrison was not committed to a bank that he received it. In what position then does this place Mr. Tyler? The question being between a bank and an anti-bank man, Mr. Tyler, himself opposed to the institution, not only votes for the bank candidate, but cries over his defeat, and then comes here to tell us he was always opposed to such an institution on constitutional grounds. Sir, I mean to make the admission in the broadest terms that from Mr. Tyler's first entrance into public life up to its termination in 1834, all his public acts and declarations were in hostility to such an institution, but that his nomination was the result of a gross misapprehension, or a pretended now that the association of Mr. Tyler with the name of Gen. Harrison was a matter of compromise, whilst "Tippecanoe and Tyler too," strung together by some ballad writer to make a rhyme, it is now pretended was the result of a great principle in regard to the constitution. Forgive me, but it will be "Tippecanoe and no veto," as the rhyme will be quite as perfect, and more palatable to whig taste.

But, sir, this is not all. Some time during the last fall a committee of gentlemen of the opposite party from the county in which I live (Henrico) addressed a letter to Mr. Tyler, making inquiry whether he intended to vote for a bank or against it, and in reply to that letter Mr. Tyler says he adopts the language of General Harrison's speech at Dayton, in Ohio. Let us see now what General Harrison says in that speech.

"My opinion of the power of congress (says Gen. H.) in the charter of a national bank remains unchanged. There is not in the constitution any express grant of power for such purpose, and it could never be constitutional to exercise that power, save in the event the powers granted to congress could not be carried into effect without resorting to such an institution.

"I have no objection to congress creating a law creating a national bank, because he thought the revenue could not be collected or disbursed to the best

advantage without the interposition of such an establishment. I said in my letter to Sherrod Williams that it was plain that the revenues of the union could only be collected and disbursed in the most effectual way by means of a bank."

Did this constitute a sufficient commitment to a bank? If not, let us see what further he did and said; but, before I proceed to that, let me read another extract from that Dayton speech, the language of which was adopted by Mr. Tyler. It is on the veto power. He says:

"I have never regarded the office of chief magistrate as conferring upon the incumbent the power of mastery over the popular will, but as granting him the power to execute the properly expressed will of the people, AND NOT TO RESIST IT. With my mother's milk did I suck in the principles on which the Declaration of Independence was founded. That declaration proclaimed THE KING OF THE WORLD NOT LET THE PEOPLE MAKE SUCH LAWS AS THEY WISHED. Shall a president or executive officer attempt at this time of day TO CONTROL THE PEOPLE IN THE EXERCISE OF THEIR SUPREME WILL? No. The people are the best guardians of their own rights, and IT IS THE DUTY OF THE PRESIDENT TO BESTOIL FROM INTERFERING IN OR THWARTING THE SACRED EXERCISE OF THE LAW-MAKING FUNCTIONS OF THEIR GOVERNMENT."

Oh! if Mr. Tyler could think now as he formerly thought of this veto power, and persuade himself that the people are the best guardians of their own rights, and that it was the duty of the executive to abstain from interfering in or thwarting the sacred exercise of the law-making functions of their own government, how much less pitiable would be his present condition, and how much happier and more prosperous would be the nation.

During the fall of 1840, just before the election came on, the president took occasion, more than once, at large public meetings of his fellow citizens, to employ stirring language. It will be recollected that he paid a visit to the state of Ohio, to attend a large convention of whigs. On his way he was entertained at Wheeling, and what he said there may be gathered with more accuracy by reading from the paper published in that city. I mean the Wheeling Gazette of the 23d of August.

"We have been favored," by yesterday morning's mail we received the message of President Tyler, which we lay before our readers to-day, returning, with his objections, the bill to incorporate the Fiscal Bank of the United States."

"Never have we seen a greater state of excitement manifested by our citizens than was produced by this extraordinary announcement, and we have heard of nothing but expressions of honest indignation. The whig party, in this section of the union, could not persuade themselves that JOHN TYLER could so utterly disregard the principles to which he is indebted for his elevation; they could not believe that he would consent to strike a death-blow at the prospect which was dawning upon the American people of relief from pecuniary oppression and bankruptcy. True, they were aware of the opinions expressed years since by the president, but they also recollected his more recently expressed sentiments; our citizens recollected that this same JOHN TYLER, while on a tour through the west, inadvertently, but before our eyes, uttered the following words: 'I have heard of many a man who has pursued; they remembered his speech in this city, and many of them reverted to his language when he pulled from his pocket an empty purse, and, shaking it at the multitude, ridiculed the idea of a metallic currency, abused the sub-treasury, and avowed a preference for "gold and silver" bank notes. But, they have been sadly disappointed, their reasonable expectations have been cruelly frustrated, and they have a right to express themselves in regard to the individual who has betrayed their confidence."

This account of the speech from the editor of the paper is confirmed by a report and resolutions adopted by a large meeting of the most respectable citizens of the city of Wheeling, and yet, in a very short time, we are aware that President Tyler had formerly spoken and voted against a national bank as unconstitutional and inexpedient, and we now regret that he thought proper, in his veto message, to allude to these opinions, and to insist that a change of them, in order to carry out his bank measures, was an unwarrantable and unjustified conduct on his part. It never entered into our minds that, should he in his official character approve such a bank bill, he would, in any degree, dishonor himself. Mr. Madison had opposed a bank of the U. States as inexpedient and unconstitutional, and yet, in a very short time, he was the author of the law which created the late national bank. We had not so learned the history of our country as to suppose Mr. Madison had

committed a crime, or dishonored himself in the eyes of virtuous men. We had not supposed—we cannot suppose—that there lives the man on earth who could dishonor himself in the eyes of all by doing what President Madison had done in similar circumstances.

"During the late canvass we were honored with a visit from Mr. Tyler. He mingled and conversed freely with the people, and favored us and our neighbors with his views. He seemed anxious to sympathize with us in all our opinions and grievances, and to enter most ardently into the spirit of the contest, denouncing, in no measured terms, the conduct of the then and previous administrations. We all remember how (holding out an empty purse) he happened to express the hard money dogmas of our adversaries, and how cheerfully and emphatically he endorsed the speech in which General Harrison, at Dayton, had expressed his sentiments upon this question.

"Entertaining at that time the kindest feelings towards Mr. Tyler, and having confidence in his political principles, this confidence was confirmed by his conduct and declarations while among us.

"But now, since he has, in our opinion, acted without due respect to a salutary principle and to an obligation imposed by the spirit of the constitution, but, however sacred, can only be enforced by public opinion, we regard it as our right and duty privately and publicly to express our sentiments in relation to this act of the president."

The second resolution is as follows:

"We do, therefore, further resolve, That the president, using the power of the veto to defeat this bill, has behaved unwisely and dishonored himself, as we disapprove on his own conduct during the late political canvass; and that, by thus using the veto power, and assuming to the executive the right in his official acts to disregard the construction given to the constitution by the supreme court and the other departments of the government, he has, against his own declarations, assisted to fix upon the country principles destructive to the genius of our free institutions, to the rights of the people, and to the constitution itself."

Well, sir, does all this commit Mr. Tyler to the support of a bank? Surely, surely, none can deny it. But this is not all that he has done. He has, during the same trip; at Elizabethtown, Marshall county, Virginia, an account of which I will now read from the public prints:

"JOHN TYLER AND THE VETO. While the people are aroused by the astounding veto of the president upon the fiscal bank bill, and while Mr. Tyler proudly, and with a former expressed opinion, it may not be improper to advert to his sentiments upon this subject as expressed during the late campaign.

"In a speech delivered at Elizabethtown, Marshall county, Virginia, Mr. Tyler was particularly severe in denouncing General Jackson for his veto upon the bank bill, and no portion of his remarks was better received by his audience. We distinctly recollect that hundreds of our citizens as well as those of Marshall county will endorse our statement, that Mr. T. denounced it as an arbitrary exercise of a power conferred by the constitution; a power, said he, only intended to be used in extreme cases, and upon great constitutional questions; BUT WHICH HE DID NOT BELIEVE THE PRESIDENT WAS EVER JUSTIFIABLE IN USING IN REGARD TO ANY MEASURE WHICH HAD PASSED BOTH HOUSES OF CONGRESS BY A DECIDED MAJORITY.

"This we unhesitatingly assert was the substance of Mr. Tyler's remarks at Elizabethtown; and here we ask, can he, with this declaration—starting him in the face, reconcile his exercise of the veto with *opinion formerly expressed*? Were he the president of the United States, by election—did he occupy the seat by the vote of a majority of his fellow citizens, he would find it difficult to justify himself; but having been borne into office on the shoulders of one who would have regarded his professions—one who was sincere in his attachment to the measures of the whig party—can he justify this arbitrary exercise of the veto power upon a measure in reference to which he differs with the party which is so decidedly in the ascendant? We pause for a reply."

In confirmation of this statement I hold in my hand a letter, written to a member of this house by a gentleman of great respectability he vouches for, dated west Alexandria, Va., 29. 2. 41.

"It can be proven by hundreds of witnesses that John Tyler, in speeches delivered by him at Wheeling and Grave creek, last summer, denounced Gen. Jackson for vetoing the U. S. bank in the strongest terms.

Now, sir, in connexion with this subject, let me read an extract from a speech delivered by Mr.

Tyler on presenting a memorial from the county of Accomac, Va. on the removal of the deposits, which has so forcible an application to his own situation at that moment, that it would seem to have been made for the occasion. I read from the Register of Debates, p. 944, vol. 10:

"We were told yesterday (says Mr. Tyler) that the president could not retract his steps with honor. What language is this to be held by a public agent? Honor, or regard to the solemn obligations and duties of office, must of every man, and man repair the mischiefs which his own unwise policy may have inflicted on the country. By what sort of advisers must the president be surrounded, when we are told that he would be dishonored by giving audience to the constituent body, and yielding to their wishes? suffer because the president must not be inconsistent. Honor would not permit him to retract an ill-advised act, no matter what came out of it. Mr. T. would scout such an idea of honor and consistency."

This, together with a speech made a few days before on the removal of the deposits, contains so many passages applicable to the present case of Congress, that but for having something of my own to say, I might be content to adopt it as my speech on this occasion. In page 663, same volume:

"Mr. Tyler rose, and began by saying that if any man expected that the chief executive officer of any country, whatever the form of government, over which he might preside, or whatever his conduct, would be a want supporter and advocate, he was blind to the lights of history, and ignorant of the nature of man."

"* * * And many who have assisted in elevating the president by their suffrages to his high office, the wisdom of his, or soundness of his policy. Thus it is that men of great moral worth and of unquestioned patriotism have been found in all that has passed of our history, as they will be in all that is to come, rallying to the defence of the president whenever his conduct of public affairs shall be brought into question. Every expedient will be resorted to that honor can sanction, if not to justify, to excuse his conduct."

"To render inaudible the voices of those who call into question his conduct, and complain of violated law, they are assailed in their turn; and when arguable words, the war of appellatives begins. They are called all sorts of names, and are charged with being actuated by unwholy motives. [See the two editorial articles at this time, the Madisonian and the N. York Herald.] These expedients but too often succeed, and errors in the administration of affairs come to be ratified which but too frequently destroy the very foundation of free government."

Be it remembered, sir, that all laws regulating the custody of the public money have been abrogated and annulled by President Tyler, and that we now have a treasury under executive control. What says he on this subject?

"I beg your pardon, when a complaint is urged of proceeding, as in our history, of the assumption of powers not agreed by law, of laws abrogated and annulled, and of a treasury under executive control, established by no law, and sustained only by his will, we are told there is no danger, and a lullaby is sung to lull the people into repose. Sir, in every violation of law, there is but one remedy, and that is, to amount to a breach of the public faith, and to the wrong pledged—when it grasps the exchequer and places it under executive control—when the trial by jury, guaranteed by the constitution and the judicial authority are set at naught, who can doubt but there is danger to all possible dangers. What more is left to be done, which will be speedily followed, to change the whole character and structure of our government?"

I beg you, sir, and the country to ponder on this passage, which is full of truth and full of wisdom, and particularly applicable to the present executive.

Mr. Tyler endeavors to sustain his present course by the following argument. Hear him again:

"The argument derived from the approbation of the gentleman, is suicidal," says Mr. Tyler. "How would the question of the constitutionality of the bank stand if precedent is to be relied on? What becomes of the praises bestowed on the president for having saved the bank bill two years ago? Twice has the bank been saved by the approbation of all the constitutional organs of the government. Thrice has it passed the two houses of congress; and, not to speak of subordinate tribunals, once, if no more, has it received the solemn sanction of the highest court of the land, our judiciary." "Sir," continues Mr. Tyler, "the president came into office on the principle of reform."

and yet how ludicrous the figure he is made to cut. Drums and trumpets announce the coming of this great reformer, his banner waves above his head with

"Reform" inserted in large characters upon it; and yet, when he opens his lips, the only cry which issues from him is—precedent, precedent—good or bad, sound or unsound, still—precedent precedent."

And here, the only cry we hear from this great reformer is—consistency, consistency with my former opinions.

In President Tyler's inaugural he pledges himself to consult the wisdom and example of his predecessors; and in his last veto message he speaks of "upholding the institutions of the country as they have come down to us from the hands of our god-like ancestors." Whom Mr. Tyler looks upon as his god-like ancestors it is difficult to conjecture; they are neither Washington, nor Madison, nor the chief builders of the constitution, who established the first bank. But in 1834 he told us who they were. He says:

"The president, in his first inaugural, pledges himself to consult the lights held to him by the examples of those who had preceded him in the administration of the government. Has he done so, sir? He had the bright, the glorious example of Jefferson and Madison before him, and yet he rejected them both."

And now he has the bright and glorious example of Madison, the only one of those two ever called upon to act directly on this question, and rejects it, as he denounced Gen. Jackson for doing; and now thinks he would commit a crime, and dishonor himself in the eyes of virtuous men, to follow this bright and glorious example. But, sir, enough of this speech, which we are commending to the perusal of the president's friends.

These are the circumstances under which President Tyler came into office, and these are the circumstances under which congress assembled on the 31st day of May last.

The president, in his message to congress, intimates that he will not deny; and he does not submit to the representatives of the people which is most acceptable to their constituents, a bank of the United States, the sub-treasury or the state bank system; and at the same time we have submitted to us by the secretary of the treasury a plan for a national bank, which, if it can be established, met with his (the president's) approval, and which, if it is not established, that bill not being acceptable to congress, they started another bill, but engrained upon it, in the 16th section, a provision, not desirable or agreeable to a single man that voted for it, called the compromise clause, with the express end and aim of reconciling the president to the bill. And yet that very clause was made the pretext for the veto.

And yet, sir, the president did not intend to sign any bank bill, why did he not say so at once, and be done with it. But, instead of that, his whole course, from the commencement of the session, has been one of equivocation with his own character, and trilling with congress and the hopes of the country.

Why, sir, to how many persons did he say he would sign Mr. Ewing's bill, as it was called? He often told me so, and wanted me to vote for it; and he said as much to fifty others. Much has passed between the president and myself of a confidential nature, which shall never be divulged. I will neither publish confidential conversations nor private letters—I leave that for higher functionaries; but much has also passed not confidential, that I am at liberty to disclose. Well, sir, in one of those conversations in which the president endeavored to persuade me of the propriety of passing Mr. Ewing's bill, he said he would sign it without the least difficulty, that it was not precisely such a bank as he would prefer, that if left to himself to frame a bill without reference to the views of any other person, he would have such and such a bank, proceeding to describe precisely and identically such a bill as this he has not vetoed, with two unimportant exceptions, which, as I mean to be strictly accurate, I will therefore state them. He said he would not object to a capital of \$35,000,000, but he thought to deal in exchanges alone \$15,000,000 would be enough, and referred me, I think, to Mr. Gallatin and Mr. Appleton in confirmation of his statement. The difference was, that, in the bill he then described, he had no distinction between foreign and domestic bills. He subsequently made that difference; and this bill, to suit that view *since expressed*, is limited in its operations to foreign bills. Well, sir, while the first bill was before him for consideration, he expressly declared to the friends of the bill, that he would sign it; and he would sign it, if congress would pass it. A few days after he said he could not sign that bill, for he had never read it. And when asked what sort of a bill he would sign, he said he didn't know, for he hadn't had time to think of it. The veto came, and it was understood that the president said congress could pass a bill in three days that he could sign, and one that would answer all the purposes of the government. Two gentlemen were ap-

pointed to ascertain what sort of a bill that was: they consulted with the president or his cabinet; this last bill was drawn up and prepared expressly to suit his views, authenticated and sanctioned by him, and came to this house with his pledge to sign it; and before it had passed this house he declared to two members now present that he would lose both his arms before he would sign it. I have reason to believe that the title to the bill, with which he finds so much fault, was altered at his own request, and was drawn up in his own handwriting. Now, sir, do I use language too harsh when I characterize such conduct as trifling and emivocating?

It is certain that when we came here no doubt was entertained by either party that he would sign a bank bill; our friends thought so, or it would not have been discussed, as it was, for ten or twelve weeks; the other party thought so, or they would not have gotten up the cry of repeal! repeal! which resounded not only through the walls of this capitol, but became the watchword of the party throughout the country. But we are now told that we must wait,

give time; it has been intimated by the president that the people are not in favor of a bank! Indeed, sir, the people not in favor of a bank! Why, what evidence is required stronger than that which you have before you? Forty-one voting for the bank, with seven absentees who voted for the first bank, which gives you thirty-eight. Several others who voted against it acknowledge their constituents to be in favor of some bank, though they were not satisfied with this, which gives you forty, or upwards! Which of those voting for the bank, sir, will charge the president with neglecting his constituents? None that we have heard of. Then suppose each member to represent his constituents fairly, and each one to represent sixty-thousand persons, which is a reasonable average, and the majority of forty on this floor gives you a majority of two million four hundred thousand of the population of the United States. Now, sir, if we are to be told it is a doubtful question on which the people have expressed no opinion!

It may be well enough to look and see if we can trace the influences that may have operated on his mind to produce this extraordinary change that the president has undergone.

It will not be forgotten by the house that, from the moment a veto was whispered as a probable thing, Mr. Tyler began to grow in the good graces of the opposition party, and the loco foco prelates of the country that had exhausted their vocabularies of abuse on him for the last two years, suddenly became somewhat ennobled and dignified. "I feel," *declared* the *Washingtonian*. "And Mr. Ritchie, in a number of the Episcopist which I now hold in my hand, tells him for a while on soft corn, which he took as kindly as a house pig; and he who had been abused for his relentless proscription, as it was called, and was made to assume all the qualities of his satirical majesty, was suddenly found to be a narrow-minded person; that as a consequence of his inflexible policy, one man, Mr. Jefferson Johnson, who was a 'patriotic statesman,' a 'national deliverer and benefactor,' one who had proved himself equal to such a crisis, and was worthy to be trusted now and hereafter by a generous and magnanimous people." He is told that "the wild slang about his policy is placed to carry out the principles of policy is absolutely ridiculous." Again he is told by the same "candid statesman," "his *principles, duties, policy, interests*, are all wildities, if he can be called a man. But will he see them? We hope and trust he will not throw himself into the arms of the *federal whigs*." This is to a whig president! And then comes the grand climacteric: the open, bold invitation, the barefaced proposition that he bid for in the public market with as much continuity as an old landowner's estate in an aristocracy: "We have the same paper, addressed to 'the excellency the president of the United States,' which concludes with this emphatic suggestion:

"At this moment you cannot be ignorant that the democrats, as a party, are exceedingly strong. The proposition of the wing party who adhere to you, who will not go for Mr. Clay, is also large. *Common sense on this matter speaks a language that the lowest mind will misinterpret.* Recollect, sir, that you are the son of a free who to a Christian's virtues united the Roman's firmness, that you are a Governor of a free public and private, and gave to him a proud name among those great men, which secures to the ancient dominion an imperishable fame."

This article professes to have been written from this place, and is signed "Washingtonian."

Now, I beg that it may not be forgotten that Mr. Tyler is the individual who has always claimed the credit of being the originator of the one-term principle, so strongly advocated in that election which brought him into power—not on the farcical ground now assumed by some of his friends, and no doubt by

himself, to wit: that the honor was too high to be conferred on one man twice, but that the influence and patronage of the office should not be exerted to secure a re-election; and yet he had not been in office four weeks, having then nearly the whole presidential term of four years to run, before an attempt was made to create a third party, for the purpose of electing him a second time. He not only lends his countenance to it, but to accomplish it frustrates and defeats the measures of the party that elevated him, turns a deaf ear to the admonitions and entreaties of his former friends, collects around him as confidential advisers men without wisdom, without experience, and, in some instances, men with whom it is not very creditable that he should associate; confides more in the counsels of hired letter writers, who are paid to flatter him, than in the advice of his constituents; retains in office men who are obnoxious to every objection that has been urged against the horde of office holders for the last twelve years, and almost publicly proclaimed himself a candidate for the next presidency.

Sir, let me read to you a sentiment given by Mr. Tyler during the year preceeding the nomination of Gen. Harrison, at a whig festival in the county of Southampton, Virginia:

"By John Tyler: *Pilgrim presidents and travelling cabinets*—the fruitful off-spring of the second presidential term. *One term, and no re-election*; the best interests of the country demand it. Will not the popular suffrages decree it in 1840?"

This the sentiment of the man who now already sets himself up as a candidate for a second term.—What influence the course of the opposition party and presses may have exerted over him it is difficult to tell, except from his public acts; but about the time I have adverted to, when these propositions were made, a remarkable change came over the spirit of his dream, and he suddenly arrested all removals from office, and reconstituted some that had been removed; and he seemed to have been governed by himself, or from incompetency to discharge the duties assigned them. An extraordinary case occurred in this city.

The commissioner of the land office, with the approbation of the secretary of the treasury, notified eleven clerks in his department that their services were no longer required. It is said they waited on Mr. Tyler, and represented to him that although they were not *very* good *Tyler* men, they adhered to the principles, yet they were very good *Tyler* men, and they were all ordered *indenter*, during the absence of the head of the department from the city, to be *resindented*. Five of the pieces, however, had already been *resindented* before the commissioner's order. The other six resumed the duties of their office, and remained there to this moment, with the exception of one, who has since, I understand, resigned. There was an individual among them who has often been brought to the notice of this house, and is now in my eye at

The Globe reporters asked Graves to collect, then was a member of the last Congress, (often then the name of Linnell Washington was introduced on this floor by the honorable member from the Louisville district in Kentucky, (Mr. GRAVES), then, pointing his finger to him, as I do now, he said:

"There sits Linnell Washington, now conspicuous in the ranks of the Globe. At this moment is a salaried officer of the government, at 1,500 dollars a year, neglecting and quitting his duty to come here to embark in the politics of the country. This, sir, is the same individual of whom it has been said that, still holding his clerkship, he went to New York, huckstering during his absence, with a political astute and shrewd, and during his absence here, at a salary of \$200 a year to perform his duties as a clerk!"

And this is one of the individuals removed and afterwards reinstated by Mr. Tyler because he was a *Tyler man*. Sir, such a harlequin of principles and of public rights stinks in the nostrils of all honorable

Let me now ask you and the country, Mr. Speaker whether I have not made good my charge of perfidy against Mr. Tyler? And if any man still doubts, let me throw all the proofs I have adduced to the winds and still one substantial ground is left upon which alone I would be willing to rest my charge.

Is Mr. Tyer spoken of by any body for the next presidential term? Yes, he is! By whom? By the whigs? No, not a man of them! but by the loco fero party! And, sir, is it within the compass of human belief that *that* party would take John Tyler, who was so recently elected as one of their bitterest opponents, as their candidate, if he had undergone no change, and they had received no assurances or encouragement from him—the very men who so recently opposed, ridiculed, and abused him? No, sir, the thing is not credible. There must have been some change somewhere, either in Mr. Tyler or the op-

position party. They do not admit that they have changed, and yet they have by some miraculous means come together. What, then, is the irresistible conclusion? Why, that Mr. Tyler has changed, and deserted his party and his principles.

But there is no perjury, no treachery in this—not at all; because, say gentlemen, he has differed with us on one point only—which, by the bye, I have shown not to be so, because removals of unfaithful and incompetent men from office was a most important duty of the President, and the whig party the party. But suppose it to be true that we differ only on this one point; suppose this great, paramount, all-absorbing question of currency should be the only question about which we have been deceived in the conduct of the president, could not treachery be established? could not the president be shown to have fastened the sub-treasury upon us, either open or disguised, would there be no perjury in this? Why, sir, Arnold and Hull only differed on one point with their fellow soldiers and brother officers, and that was, whether they should fight for or against their country; and here the single question with Mr. Tyler is, whether he should put the whigs in power, or put him in power, or to over to the loco focus by whom he hopes to be retained in power.

Pshaw! don't talk to me about his fidelity. I know too much of this business to be duped by such slang. A difference of opinion conscientiously entertained I could tolerate with as much liberality as other men; but *conscientious convictions* do not undergo as frequent and rapid changes as Mr. Tyler has undergone in the last three months.

No, sir; an unholy, ungodly and corrupt coalition, I believe in my heart, was about to be formed, and will yet be formed if not defeated by the prompt action of the whig party; and "*heed him or die*" is the motto that I have adopted, and there is no open, fair and honorable means that I will not adopt to frustrate his designs.

Sir, let not gentlemen roll up the whites of their eyes at this charge of perfidy against Mr. Tyler; it is not the first or second time the same charge has been made at home. I will detain you for a while, that I may give you a scrap or two from his political history in connexion with our state elections.

In the year 1897, Mr. Tyler was governor of Virginia, professing to belong to the Jackson party—Mr. Randolph was then a senator of the U. States and had, by the violence of his course, excited the deep hostility of the anti-Jackson party, who were determined to beat him in the election just then about to take place. Mr. Tyler, in order to secure personal connections and friends in the house, which added to the whig vote, would give them a majority was applied to lend his name to his political opponents; and while it was alleged that Mr. Tyler among his political friends in the Jackson ranks, secretly displayed an opposition to the course he was secretly connived at the intrigue of his political adversaries, (as the pamphlet now in my hand states which was written years ago), invited, through a friend, a letter to be written to him that he might have an opportunity of defining his position, and that (as now with the com. sec.) use himself of the opportunity to improve an attempt to induce the audience or awe him into submission; written in spirit of dictation which he felt authorised to resist. Sir, it is a curious history, and I will read a few extracts from a letter, written perhaps the day after the election by a member of the house of delegates, which was published at the time as a part of the history of the perfidy then charged upon Mr. Tyler.

Speaking of the letter of Mr. Tyler, written on the morning of the election, or at all events withheld at that time, consenting that his name might be used, the *certainly* of his election having been then ascertained, the writer, Mr. Daniel A. Wilson, says:

"It was not such as I expected it would be, judging from the opinions and declarations uniformly ascribed to him. It was reported and believed, and have never heard the contrary asserted, that he *resisted with great zeal* the idea of Judge Barbour being put in nomination as a candidate in opposition to Mr. Randolph, alleging he would not do; that we wanted at this time, the services of a man who was read and willing to throw himself into the breach sworn in hand; that Judge Barbour *was not* and Mr. Randolph *was* that man."

"It was also reported with equal confidence, as generally believed, that he *approved in the strongest terms* the promptness and decision of Judge Barbo and his personal friends in denying the use of his name, the effect of which would be to impair by decision the strength of the opposition, all of which would be necessary successfully to resist the encroachments of the government."

"The calculation was a fair one that Governor Tyler would (as Judge Barbour had done) look to the

estimation in which his services were held by his political friends rather than the office he was to obtain at the hands of his political enemies.

The election, however, came on, and Mr. Tyler was the man that beat the candidate of his own party: opposition to whom he had deprecated in the strongest terms.

Well, sir, one or two extracts from the papers of the day, to show the public feeling at the time, and to have before this subject, which I have only adverted to show that the charge of perfidy will not grate so harshly on Virginians as it seems to do on the ears of Massachusetts (alluding to Mr. Cushing) and other states where he is less known.

The Winchester Virginian, speaking of Gov. Tyler's late tergiversation, says:

"We ask from Mr. Tyler a disclaimer of the course he shall pursue in the senate; we care not what may be his course. He has disclosed enough to satisfy us that he is not to be depended upon, and that it is a matter of little consequence whether he is for us or against us. He has bartered a large share of popularity, and as fair prospects as were possessed by any short man in Virginia, for the seat in the senate of the United States. He has been one of the favorite sons of Virginia; the doors to the highest offices in her gift had been thrown open to him; and, after having been warmed and cherished in her bosom, he has renounced her with the ingratitude of the adulator."

The Petersburg Republican says:

"Mr. Tyler will doubtless fill the office of senator the full time for which he has been elected. He may, and we hope will, represent Virginia faithfully in the great council of the nation; but of one thing we are certain, be his course during the next six years what it may, he never can regain the position he occupied only one short month ago, and when he retired from the senate of the United States. He will sink into that state of nothingness to which his own dissimulations conduct will have consigned him, and from which he will never again be able to emerge."

I read now from a Jackson paper published at that day in Richmond—it is a column cut from the paper, and not headed, but, I believe, the Enquirer. It says: "We have seen in the columns of the Enquirer, Mr. Floyd and Gov. Giles, to which it was resolved not to invite Mr. Tyler, gave great umbrage to his personal friends and the adherents of the coalition."

"We entertain no doubt, however, that Mr. Tyler will vote in the senate according to the wishes of Virginia, while it may comport with his ambition to do any thing more than that he will not set aside the wishes of the state so soon as personal aggrandizement may tempt him."

These were the opinions generally entertained of Mr. Tyler's course at that day. I now come down to a later period. In the winter of 1838, Mr. Tyler was again a candidate for the senate, in opposition to Mr. Rives. I supported him warmly; but he could not cut a better figure in his own party than he did in the defeated. During that contest, which lasted several weeks, he was frequently withdrawn and renominated. On one occasion he was nominated by a member of the then administration party, and, on his retiring from the house, he was asked if he would accept a nomination from that quarter; to which it was answered, that he would, before he retired, and would take the appointment from any quarter he could get it. Now, sir, let me be understood. I do not say that this charge was well founded; on the contrary, I defended him at the time—I have defended him ever since, though I have been almost the only man in the state who did defend him; others have not heard of it. I do not now charge him with it. I believed at the time he was altogether incapable of giving utterance to such a sentiment, though I confess his recent course has greatly shaken confidence in my former opinions. I mention the circumstance only as matter of history, for the purpose of showing that the charge of perfidy has nothing of novelty in it, when connected with his name.

The consequences, however, whether true or false, were most disastrous to him; it not only revived the recollection of the scenes of 1837, but it utterly and entirely prostrated him in the state. There was, at the time of the Harrisburg convention, no office in Virginia of the highest rank, which he most humbly, that Mr. Tyler could have obtained. In confirmation of this, when the Harrisburg convention met, and Mr. Tyler's name was mentioned for the vice presidency by accident, after several others had declined it, how many of Mr. Tyler's colleagues voted for it? Not one. They could not go back to the people of Virginia and say they had recommended John Tyler as their vice president; they put it on the ground of decline. But did the delegation of Kentucky refuse to vote for Mr. Clay on the score of delicacy? On the contrary, they were sent there for

the purpose. Did the Ohio delegation decline to vote for Gen. Harrison? No; but the delegation declined to vote for Mr. Tyler. The truth was, they thought it would be *indelicacy* to vote against him, and they did not vote at all.

But I dismiss this part of the subject. It is a painful part to me, but necessary to my vindication. I have been challenged to the argument, and I mean to sustain my position on this charge as well as the other to be true. Those who think I have personal malignity and enemy mixed up with my political indignation do me injustice. I was his friend personally, and was disposed to be so politically, as my whole course towards him would show, up to the moment he vetoed the first bank bill; and then I withdrew the more fully, and did not sign it, but the motto by which I believed he was prompted in vetoing it. I then measured and weighed all that had passed. I gave due importance to a long line of conduct and remarks that I had before treated as having been adopted or said without meaning, in a spirit of levity or thoughtlessness; and the conviction was impressed on my mind that treachery was contemplated, and I gave him up to serve my country.

In connection with this subject I must advert to a letter I wrote to the president on the 10th of August, six days before the veto came, not simply to show my feelings towards him at that time, but to correct an erroneous impression that has been formed upon it.

I have heard it was whispered about that I had written a letter to the president on the same day I had written to Richmond—to wit: the 16th August—expressing sentiments of the most friendly character; and the attempt has been thus made to convict me of treachery to the President and the country. No matter from what source it comes, I stamp it with falsehood—absolute and unqualified falsehood. This is the letter I wrote, as I before said, six days before the veto came. It was addressed to him as *private and confidential*, and I do not know by what right the letter was spoken of by the president at all. However, as it has been spoken of, I will give it to the public. It is as follows:

[PRIVATE AND CONFIDENTIAL.]

House of Representatives, August 10, 1841.

MY DEAR SIR: I feel that our relations, resting on political associations for some years past, and the warm personal regard I have always entertained for you, and the interest I have felt and manifested for your country, and the political welfare of our people, justify, if not justification, for addressing you upon a subject the probable consequences of which I look to with the most awful apprehensions.

It is generally understood that you are to vote the bank bill. If it is so, have you contemplated the consequence? Will you consent to your cabinet sustain you in the veto? Will they not be compelled to resign? For, whatever may be your views as to the principles upon which you came into power, it cannot be denied that these on which they have been sustained by the country require at their hands an earnest support of the measure that has been demanded by the people, and which their present plea of a majority exceeding the entire representation of Virginia and South Carolina, the two states in which the strongest opposition is supposed to exist.

If the present cabinet should be dissolved on that ground, could you assemble around you another from the whig party? You certainly could not. Could you do so, if the other party? If not, what could you do, if you were disposed; and equally true, I hope, that you would not if you could. They could not sustain you in that scheme for a bank to which you have already committed yourself. Nor could they support you in the distribution bill, nor indeed any of the principles you profess, and upon which you have been supported by the great body of the American people.

You would be thrown back then on the fragment of seceders, "the republican portion of the whig party," as they style themselves. Now, let me ask you, could you rally around you a cabinet of such men as would be distributed in the north or south from the different sections of the country, as would command the confidence or respect of the country? If not, in what condition would you be placed?

But, if you could, what measure could be adopted for carrying on the financial operations of the government?

The sub-treasury is repealed; and the deposit system of 1836 is also repealed in one house, and will pass the other, Congress will not consent to take the plan suggested by the secretary of the treasury. Will you not find it impossible to carry on the government, and will not a resignation be forced upon you?

On the contrary, if you can reconcile this bill to yourself, all is sunshine and calm. Your administration will meet with the warm, hearty, zealous support of the whole whig party, and you will retire from

the great theatre of national politics with the thanks and plaudits and approbation of your countrymen.

Take these suggestions for Mr. Tyler's consideration; take them particularly, I beg you, in the spirit in which they are offered, and ascribe them to the ardent zeal of one who feels a deep solicitude for your own fame and happiness, and for the harmony and prosperity of our common country.

And believe me, with unfeigned sincerity, your friend,

JOHN M. BOTTS.

It was then announced that the hour had expired, and Mr. B. was compelled to take his seat.

NOTE.—I perceive by Mr. EWING's letter resigning his situation as secretary of the treasury, that he ascribes the loss of the bank bill to my letter; by which I suppose he means the letter published by Mr. Madison in the National Intelligencer, which was unceremoniously, and I think unnecessarily, if not unkindly, takes occasion most "unequivocally to condemn." If he could not approve, I do not see that his "condemnation" was particularly called for; nor can I exactly see where there was in that letter to justify his "unequivocal condemnation," if the one-half that he says of Mr. Tyler is true. I do not doubt the truth of all he states as matter of fact.—His inference as to the effect of that letter I do not concur in; and if the honorable secretary had paid a little more attention to dates and facts he would not have been so prompt to throw responsibility on me, as that I was the cause of it being so.

The letter was written on the 16th August; it was copied and sent to the president, and reached him on Thursday evening; it was in his possession all of Friday, and the second bill was presented to the house with the approbation and sanction of the president on the next day, and it was on the Monday following that the president said to two members of congress, "he would lose both his arms before he would sign the bill." Now I do not condemn the secretary's letter, because he has only done what I did myself, to tell the truth in relation to public affairs, which the public were entitled to know; but surely there is as much reason for not condemning the secretary as there is for the secretary to condemn me; for if my letter was calculated to produce a similar disposition in the president and prevent his signature to that bill, the secretary's letter is equally calculated to make him still more stubborn, and defeat any other bill that may be proposed in future.

Again, Mr. Tyler says, "that at the time he was endeavoring to throw upon me the responsibility of the loss of the bank, that, while that bill was under discussion in the house of representatives, the president had prepared for a member of congress an amendment with his own hand, to be presented to the house, with which amendment he said he would be perfectly satisfied to sign any bill." This amendment it was deemed inadvisable to offer in the house, as the bill was just then about to pass from the committee; and before it could be decided whether it was advisable to offer it in the senate or not, Mr. Tyler sent for the member of congress, into whose hands he had put it, and said to him that he had changed his mind again, and hoped no bill would be sent to him. All this trafficking was subsequent to the publication of my letter.

The amendment prepared by Mr. Tyler is as follows, and to come in at the end of the 16th section: "And provided, further, And it is to be expressly understood, that no bill shall be signed by the president, or be made to take effect or trade, as is in this and the ninth section of the bill provided, the assent of the state in which any such agency is established shall be first had and obtained by an express resolution of the legislature, or in some other form of usual legislative proceeding."

Now I assert as a fact susceptible of proof that Mr. Tyler's change of opinion and equivocation on this subject has arisen from a determination from the first not to sign any bank bill. Did not Mr. Wise say on the day the last veto was under discussion, in reply to Mr. THOMPSON, of Indiana, that he could have signed him at any time, and that Mr. Tyler never intended to sign any bill establishing a sub-treasury? And did not Mr. Tyler say, in the first week of the session, to a gentleman of the highest respectability, when speaking of his standing in Virginia, "Let them give me an opportunity to exercise the veto power, and I will have the whole state with me"—thus manifesting a strong and decided design to exert that power, and that, too, for the purpose of securing personal popularity to himself?

If all this does not remove the impression from the secretary's mind that I deserve his "unequivocal condemnation," then he would not believe though Mr. WISE and Mr. BOTTS were in the doubt. At least I hope it will relieve me from the doubt, condemnation that one who was so high in station, and is in standing, has very gratuitously endeavored to visit upon me.

JOHN M. BOTTS.

CHRONICLE.

The Abolitionists.—Convenient recently assembled in session, and nominated Francis Gillet of Bloomfield, and Levi Yale, jr. of Meriden, as their candidates for governor and lieutenant governor of that state.

The same convention passed a resolution "unanimously to take leave" to ask Mr. John Tyler, president of the United States, to emancipate his slaves. We are not precisely in Mr. Tyler's secrets, but it is a settled opinion with us that he will not consider these gentlemen as having any constitutional right *per se*, to make such a request.

(N. Y. Courier and Enquirer.)

ARTS AND SCIENCES. The third annual meeting of the Men of Science of Italy and foreign countries, is to be held at Florence the present month. Letters were addressed some months since to some of the scientific societies in this country, and among others to the Academy of Arts and Sciences of Massachusetts, inviting them to send delegates to represent them in this convention. The academy made choice of two of their members, Messrs. Edward Everett and Francis C. Gray. They are both now in Europe, and will probably be present at the meeting.

(Boston Traveller.)

BANK ITEMS. The Herkimer bank, New York, was robbed last week of \$70,000 by one of its clerks named Brown, who, with his accomplices, Green and Francis, were all subsequently arrested near Saratoga, and the money, except \$200 recovered. The fugitives are now in confinement at Albany.

An injunction was laid on Monday by authority of the bank commissioners, New York, upon the Commercial bank, and the city and county fund banks, and its doors are closed. The bank, it is believed, has overdrawn or loaned too large an amount to persons connected with its management.

BANK OF ENGLAND. Quarterly average of the weekly liabilities and assets of the Bank of England, from the 25th of May last to the 17th of August, both inclusive.

LIABILITIES.		ASSETS.	
Circulation	£ 7,225,000	Securities	\$23,012,000
Deposits	1,995,000	Bullion	5,106,000
	£25,181,000		£28,118,000

CLIMATES OF DIFFERENT COUNTRIES. We learn from the authority of Sir Richard Phillips, that the mean heat of the year at different places of note, is as follows:

	Deg. Min.	Deg. Min.
St. Petersburg,	35	84
Moscow,	40	10
Stockholm,	49	26
Gothenburg,	43	36
Copenhagen,	45	63
Edinburgh,	47	84
Boston,	47	3
Albany,	47	3
Philadelphia,	53	7
Richmond,	56	1
Washington,	58	1
Charleston,	61	1
Batavia,	49	0
London,	30	36
Yeraz Cruz,	77	72
Geneva,	49	28
Vienna,	50	14
Paris,	51	8
Amsterdam,	51	62
Brussels,	51	8
New York,	53	78
Milan,	56	76
Lyon,	56	45
Rome,	60	44
Algiers,	69	38
Cairo,	72	34
Canton,	81	26

NEW CITY.—The Mormons are about to build another city on the immediate borders of Illinois. They have squatted on land owned by a company of gentlemen in this city and elsewhere at the east, and because Joe Smith says it is a good place, or rather that he has had a revelation that it is the spot where a great city will stand, they are going to work at it.

(B. Times.)

GEX. CASS.—A long letter from Gen. Cass, the American minister at Paris, appears in the Philadelphia American Sentinel, written in reply to the proceedings of a meeting in Philadelphia, proposing him as a candidate for the presidency. He does not, in his letter, contain a denunciation of that office; but yet admits that in the contingency of being called upon by the general voice of the democratic party, he would not withhold his assent.

THE CENSUS OF GREAT BRITAIN. Now in progress, it is supposed will show a population of nearly fifty millions.

NEW YORK STATE CANALS. The bills received on all the canals of the state of New York to the 31st day of August, inclusive, for the last seven years, have been as follows:

1835	\$93,991
1836	220,000
1837	643,163
1838	849,266
1839	913,959
1840	912,276
1841	1,134,785

It will be seen from the above table, says the Albany Advertiser, that the tolls thus far received during the present year exceed the receipts during the same period of the last year by the enormous sum of one hundred and twenty-one thousand five hundred and two dollars.

EARTHQUAKES. On the evening of the 17th August, two shocks were experienced at the island of Martinique, the last of which was nearly as severe as that experienced there two years ago.

FIRE. The Third Reformed Dutch church, built at Albany in 1828, at an expense of \$16,000, and which the

congregation had just completed paying for, took fire from a spark from a neighboring chimney on Tuesday last, and was burnt down.

FLOUR. Prices remain as last quoted, but with no considerable sales. Inspections of the last week in Baltimore 75¢ per barrel, and 4¢ 00¢ bushels of wheat

were delivered from the Erie canal at Schenectady, West Troy and Albany, during the third week of September.

JEWELS IN PERU. It is stated that the jewels of the temple of the sun, which were secreted at the conquest of Peru by the Spaniards, have been recently discovered, and amount in value to 150,000,000 of dollars! Rather doubtful.

LIBERIA. It is stated in the Cincinnati papers, that since that serious riots, a number of the oldest and most respectable of the colored people in that city, possessing property, are making arrangements to dispose of their effects and remove to Liberia.

"MISERIES." As a designation for animal magnetism, derived from *Mesmer*, who is said to have discovered it, a volume of remarkable facts and "reasons for a dispassionate inquiry into it" by the Rev. Chauncy Hale Townsend, A. M. has just been published.

McLEOD CASE. The circuit court of the fifth circuit, New York, commenced its session on the 27th ult. The chief justice, Nelson, having been absent, Judge Grady presided. Three judges of the county courts were on the bench. The court house was crowded.

The usual formalities of opening court, swearing in the jury, and the like, having been completed, the first case called was that of the *People of the State of New York vs. Alexander McLeod*, indicted for the wilful murder of Amos Durfee, at Fort Schlosser, in the county of Niagara, in 1837.

Mr. Willis Hall, attorney general, responded on behalf of the people. He handed to the court a list of witnesses summoned on behalf of the people, which was called over by the clerk. A portion only answered to their names.

The court inquired when the case would be ready for trial. The attorney general replied that the case, on behalf of the people, was ready now. He moved that the trial proceed.

Mr. J. A. Spencer, of counsel for the prisoner, submitted his reasons for opposing the notion. His associates (Judge Gardner, of Rochester, and Mr. Briggs, of Albany) also submitted objections to the Canadian, collecting testimony. He expected their return daily, but was not ready to proceed without them. Unexpected difficulties had been encountered in the obtaining of testimony.

The request for a continuance was granted until after all British North America, from Lake St. Clair to the Gulf of St. Lawrence. Many of them had been found and their testimony taken, of which three large packages were produced in court; but the others were not ready to get yet responded. He could not feel justified in going to trial in this state of the case, and he moved that the trial be set down for Monday next, (Oct. 4th), which was the earliest day that he could feel certain of.

Mr. Hall felt bound to oppose so long a postponement. He would do nothing to deprive the prisoner of a fair trial; but ample time had been allowed for preparation. The objection, as we well saw, that the trial came on at this time; while a great number of witnesses for the people had been at much expense summoned at a great distance from their homes, and were now in attendance. They could not be detained here a whole week beyond the time necessarily employed in the trial, but at great inconvenience and hardship to them.

Judge Grady reserved the question for the present, but with the right of the attorney to withdraw. The matter was adjourned until the next week should be thick proper to do so. He then made a brief and appropriate address to the jurors empaneled, reminding them of the great responsibility resting on them, of the great interest of the case, and of the great importance of the question which would be called upon to decide, to repel all attempts to influence them by rumors and indirect approaches, as well as otherwise. He then directed the jury to attempt to be made so to approach one or more of them, to give information to the court, by whom the offence would be promptly dealt with.

The case was then dropped, and the court proceeded to try the next case.

The correspondent of the New York Herald, to whom we are indebted for the above details, says I understand from the attorney general that he will feel it his duty to call the case again on Thursday next, when he will insist on the case again. Should the opposing counsel still insist on delay, without further reason, he will probably be obliged to swear off the case—on which case it goes over to the next term, unless by special agreement.

MISSIONARIES TO INDIA.—THE REV. John Wray and Levi Janyer, who were wives, were sent from Philadelphia, for Northern India, where they expect to spend the remainder of their lives in missionary service, under the direction of the Free-church board for foreign missions. The party of the Free-church board for foreign missions, of foreign ministers, take passage in the ship *Louise*, now in the port of Boston, awaiting a change of wind; Rev. Cephas Bennett, and lady, of Clinton, N. Y.; H. C. Kimball, of Worcester; Miss Mary M. Vinton, of Wilmington, Ct.; Mr. L. C. Avang, of Burmah. Their destination is the Bay of Bengal.

NEW ORLEANS. The yellow fever continues unabated either in number of deaths or new cases.

On the 17th and 18th there were 110 deaths, of which 94 were by the fever.

On the 19th and 20th there were 98 deaths, of which 77 were by the fever.

On the 21st, 60 deaths, of which 43 were by the fever.

POINARD.—Several ladies who are regarded as the leaders of fashion in the *beau monde* of Paris, have recently appeared at the opera with a dress of white, in which the gold handle is visible, and that is adorned with rich carving or precious stones. A Paris journalist, noticing this singular custom, says: "Are these young ladies the more modest or presumptuous? to punish inconsistency or to defend virtue? Probably we shall soon hear of some romantic drama, the denouement of which will be crowned by the protecting bloom!"

PLUM TIME. Nauticist boasts of her "sheep-sheepers," Barnstable of her "cranberry pickings," New-Haven of her "hyster-draggings," and New-York of her "plum time." On that huge sundbair, yelp Plum Island, grows a sort of plum; what sort we really don't know—which is ripe about these days; and having being over and the tide setting in the water plums, young men and maidens, old men and boys, pick plums from this and the neighboring towns; some in boats, some in omnibuses, some in wagons and some on foot—go down to the island to gather plums, drink tea, roll in the sand, bathe in the surf, and have a nice time. They won't go to school, girls won't churn; all insist upon having a frolic in plum time. One day last week, we are told, there were from one to two thousand people on the island, and the scene about and on the water was a sight, to be sure! May it be seen every year for centuries to come. We love these old customs, these long established holidays—May-days, sheep-washing, quelling parties, luskings, and other sports, which are the bright of civilization when they shall be voted vulgar, and known only in the dim memory of that veritable lady or gentleman, "the oldest inhabitant." (New-York Herald.)

RICE. A cargo of 2,000 bushels of the new crop came to market this Monday morning, from the estate of the late Governor. The quality was excellent. Quality we are told, seemed to give a fair promise. It was sent to mill to be beat out. (Cham. Rep.)

MARY ROGERS. The police of New York have been indelicate in pursuing inquiries for the perpetrators of the horrid offence which terminated in the death of this unfortunate lady. The Albany Argus now tells us that three or four of a gang of half a dozen notorious rowdies implicated, are in custody, under proof amounting nearly to certainty, that they were the perpetrators. James Fenimore Cooper is the name of one whose name is given.

SEAFARERS. The *Chili*, struck a reef near Valparaiso, about the 5th June, and was aided by a British frigate, and succeeded in reaching Valparaiso, where she was repairing on the 8th July.

The Boston Advertiser informs us, that of the Cunard steamer, one which will leave Boston in the months of January, February, March and April. One ship only will leave England during the months of December, January, February and March.

ERIE STEAMBOAT.—The Erie Gazette states that between 120 and 130 bodies have been taken from the lake since the body of the late Erie was burnt. They were principally buried at Silver Creek, Dunkirk and Buffalo. Two or three were brought to Erie for interment.

THE STEAM FRIGATE KAMSHATKA. This vessel, built at New York for the Russian government, sailed for Cronstadt on Wednesday morning. The vessel is not the first of the class, and is not the best in speed by any other sea steamer in the world. One of the principal features of the Kamshatka is the steadiness, and easy, swiftness of motion with which she moves through the water. She is not a vessel of great draught, nor does she rise from the machinery, all is quiet and firm. Standing on the deck, persons do not feel as if the entire fabric beneath them was tumbling to pieces. They feel safe and secure. The vessel is of the size of six hundred horse power, and has tonnage about two thousand.

SUB-MARINE ARMOR. Captain Taylor the inventor of the submarine armor, made an interesting and successful experiment of his apparatus recently, at the navy yard at Philadelphia, in the presence of a number of officers of the navy and invited guests. The gunner commanded the vessel, and with the armor, and having invested himself in it, he was let down into the water, and remained beneath the surface six minutes. He came out perfectly dry, and declared that he was not even slightly wet, and could remain below a week. The experiment is said to have been successful in every respect, and fully established the great utility of the invention. Captain Taylor superintended the experiment in person.

TEMPERANCE FRIENDS. *Living up to Principle.* The captain of the steamer from New-York to Maine was at short time at St. Croix, and was there offered \$1,000 to bring home a cargo of rum, but refused, preferring to return in ballast.

THE VINE IN FRANCE. Five millions of acres are devoted to the cultivation of the vine in France. The value of the article produced is 500,000,000 francs a year.

VICKRETT. Some alarm was entertained on the 18th ult. of cases of yellow fever.

WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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FOREIGN ARTICLES.

The steamer *Arcadia* with 100 passengers reached Boston, via Halifax, on the 5th inst. bringing dates to the 15th September.

Daniel Dixie came passenger and is bearer of despatches for the American government from our minister in England.

GREAT BRITAIN.

GRAIN MARKET. *Opening of the British ports.* The account of the corn market shows that the last week opened the ports for the admission of foreign wheats and flour at the lowest rates of duty, viz: 1s. per quarter, the average price of the previous six weeks having been 73s. 3d. per quarter. This it was supposed would not last over a week.

THE HARVEST. The London Chronicle of the 13th contains extracts from various country papers respecting the state of the weather. There had been a good deal of rain, with changeable weather, and the gathering of the harvest had been retarded in the north—but in the south the corn being for the most part well housed and free from danger: there will, it is said, be a deficiency of about one-sixth or seventh of the usual average crop.

The London Atlas says:—The harvest is now fairly ended in many of the southern countries, although in the north it is still exposed to danger. Undoubtedly the result turns out much better than was expected a month or six weeks ago, still no one will deny that there will be a serious deficiency. From observation and inquiry in various parts we are inclined to think it will yield one-sixth or one-seventh less than an average crop; or, in other words, we may require two millions and a half, or three millions of quarters of wheat from foreign countries, in addition to our domestic supplies, to feed the population of Great Britain until the autumn of 1842.

COTTON MARKET. *Liverpool, Sept. 11.* There has again, this week, been a fair demand for cotton from the trade, but the market has been freely supplied and very irregular, and closes heavily at a decline of 1d. per lb. from last week's quotations, a decline of 1d. per lb. having been submitted to. The sales of the week amount to 32,550 bales, including 500 American on speculation and 1,250 American and 300 Surat for export. Yesterday there was a good at-

tendance of the trade and an extensive demand; still the market closes very tamely. We have had a better business doing to-day, with a steadier market.—There is no variation in prices.

September 17. *Weekly report.* There was a good demand for cotton in the early part of the week, and rather advancing prices obtained; since Tuesday, however, there has been less animation, the market equal, if not a larger, quantity offering, consequently a more favorable market for the buyer; our quotations therefore will not differ from those of Friday last, in any descriptions except Maranhams, which are a shade lower. The sales of the week have been 30,100 bales, 400 New Orleans, 3c. good to fine, 7 to 8 3/4d. Mobile, 8c. good to 7 1/4 to 7 3/4; 6,730 upland Georgia, do. 7 to 7 1/4. Imports this week, 12,277 bales. Stock, September 17, 439,100 American; total stock of all kinds, 573,300. Last year, same date, 498,300.

STATE OF TRADE. At Manchester the whole of this week, as regards business, may be reported a blank; fewer operations in one week we never remembered, even at the worst date of the year, and this is the time of the year for all others that business is most brisk. We must, however, except the fustian trade, as in both fustians and cords a large amount of business has been done, and even at improved rates; indeed it is the only branch that can be said to be healthy. Prices both for goods and yarns may be reported lower, although in yarns for the Russian market some demand may be noticed. The print trade is very bad, and many print works are only half employed.

Huddersfield Market. A fair amount of business was done to-day, yet not so much as last week. Nor is there quite so much confidence; left in the commercial stability, partly owing to numerous failures in most parts of the country, and the foreign demand being on the wane. The principal demand was in the middle and low priced woollens and kerseys. Plain superfines there was more animation, and in light fancy goods generally, the demand was equal to the season. Prices are firm, and business in the warehouses continue tolerable.

The Market. The knowledge that about two-thirds of the usual annual supply of tea was in course of shipment for England, when the last letters from Canton were despatched, has frightened the speculators, and caused a reduction of 15 to 20 per cent. in the price of the article here; but the importers do not appear to sell at this reduction so readily as the speculators do.

Trade and Commerce. The business of the port of London has certainly improved this week, but still there is an absence of any thing like general activity. The tea trade is in a more quiescent state than was anticipated. The next arrivals from Canton are looked for with much interest.

London Journal of Commerce, Sept. 18.

Money Market. *London Stock Exchange, Sept. 11.* Weekly report—This has been a very quiet week; and if we took the events of each day and analyzed them, both as regards news and fluctuations in the stock market, we should find little on which to form a remark. Money still continues in request at five per cent. The English funds have been steady throughout the week. Exchequer bills have been heavy, and have declined about 3s. since the close of last week, owing to the pressure for money. The English stocks have been up to the close of business (4 o'clock); consols for money have advanced to 91 1/2; whilst for the account the price remains unaltered at 90 1/2. Exchequer bills have improved 1s. being now 12s. to 14s.

September 17. The fluctuations in the British stock market have been again limited this week, and business continued high to be conducted on a very small scale; but prices, after having improved, have since retrograded. It is only, therefore, necessary to annex the average of prices, as it will afford the best commentary as to the relative values the funds have borne since our last report—Consols, highest, 91 1/2; lowest, 90 1/2; ditto account, highest, 90 1/2; lowest, 89 1/2.

Friday Evening. The stock market to-day has recovered in a great measure from the partial depression which prevailed in it towards the close of business yesterday. The transactions have been on rather a larger scale. For present delivery, consols have advanced 88 1/2 to 89 1/2, and for the account 90 1/2 to 90 1/2, both

on Wednesday's value. Exchequer bills have been done at a premium of 12s. to 14s.

London Journal of Commerce of the 18th.

The official London Gazette gives several appointments in the new ministerial list, but they are not of much importance.

Parliament, September 6. The house of lords re-assembled this day, when the change of seats customary upon the advent of a new administration to office took place.—Sept. 8. The business of the day having been disposed of, the house adjourned to Sept. 20. The house of commons re-assembled Sept. 6th, but the business is not of particular interest. The house adjourned September 8th till the 16th, when it again assembled, and sir Robert Peel made a short speech, in which he stated what he had to propose with respect to the course of business during the sitting.

Exposition of the measures of government. Sir Robert Peel rose and said that he desired to move for a paper, to which it was desirable to call the attention of the house, connected with the building of the new houses of parliament; and in doing so it might be also desirable that he should state for the convenience of honorable members the course which he intended to pursue with reference to the public business of the country. Notices had been given for to-morrow of the estimates for which complete provision had not yet been made.

It would be in the recollection of the house that a vote had been taken from the last parliament for money for the public service for one half year. What he proposed to do was to adopt, without exception, the estimates as framed by her majesty's late government, and to submit them to the house in precisely the same way as they had been submitted by its predecessors in office.

On some former occasion, however, the revision required had been taken in one amount, but as only a vote of credit had been previously taken, he should propose on this occasion to submit the estimates in detail, believing that on various grounds that course would be the most satisfactory one to the house and to the public.

He was not aware that it would be necessary to make any proposition with reference to any branch of the public service for which provision had not already been in part made, but with respect to one item of expenditure it was necessary for him to make allusion. He referred to the works in progress for the erection of the new houses of parliament. These works had now progressed to such a point, that it became necessary for the house to decide as to the erection of the stables and other apparatus for warming and lighting these buildings.

From 80,000 to 250,000 would be required for this purpose, and he thought it desirable that the house should give its special sanction to the expenditure of such a sum of money. With regard to another question it was his intention to propose bills to continue the operation of the laws which would expire either within the present session or at a definite date. The most important of those laws was the law for the relief of the poor.

That law he intended to propose to continue with the others for a certain time. The house was aware that in the regular order of things, the part of the law which constituted the poor law commission would expire on the 31st December next.

He should propose to provide that the act as it now stood should continue in full operation for half a year longer, namely to the 31st July, 1842, thus giving time for her majesty's government to consider what would be the nature of the provisions they should make with reference to this most important subject. It would be for the house to consider whether the enactment for continuing this law should be a separate one, or should form part and parcel of a general bill for the continuance of expiring laws.

He meant to introduce a general bill on the subject in the first instance; but if it was the desire of the house, he should have no objection to the continuance of this law being provided for by a separate and special enactment. (Hear.) He wished it to be understood, however, that he did not propose to make any alteration, but continue the law exactly as it now stood on the statute book.

With regard to the contested elections, he thought it would be for the general interest that no proceedings should be adopted for the present.

He believed no special order of the house was required on this subject, as under the controverted election act the general election committee had it in their power to fix the days for the commencement of proceedings before the committees.

With regard to financial arrangements, his right hon. friend the chancellor of the exchequer would, on the first day that he could do so in conformity with the rules of the house, state the amount of deficiency for which it would be the duty of the house to provide. He apprehended that that deficiency would not be found to fall very much short of the sum mentioned by the late chancellor of the exchequer—namely, two millions and a half.

With the details of the causes of that deficiency his right hon. friend would enter on that occasion and he would also avail himself of the opportunity to state the measures which her majesty's government purposes for making temporary provision to meet that deficiency.

With regard to any measure for equalizing the revenue and expenditures of the country, he (Sir Robert Peel) did not propose to enter during the present session. He had already expressed his opinion that it would be necessary to adopt some measures on that subject; and that ministers could not have any consideration, her majesty's government would not fail to present to the notice of the house such measures as they might deem desirable to meet the exigencies of the case.

But whether these measures would consist of a reduction of the expenditure of the country, or of an increase of the revenue, or of a combination of both, he must for the present postpone stating. He was enough in him to say now that it was impossible for the country to proceed in the course which it had pursued for several years past, namely, in the increase of debt in a period of peace.

But how he would regret that evil he must ask the committee of the house to give him time to consider; and he should also ask for the same with regard to other measures into which he need not now enter.—It was true that he and friends about him had now held their offices for several days, but he thought the house would be ready to acknowledge that the preliminary measures for the formation of a government were themselves calculated to engross the greater part of that time without his definitely arranging the measures he should submit to the consideration of parliament on these topics.

He should forbear calling the attention of parliament to measures of an important character in consequence of the peculiar circumstances attending the formation of the government. He thought that there was a desire even amongst the warmest opponents of the government to give a fair opportunity for the consideration of those measures which they may think beneficial to the country.

The right honorable baronet then concluded by moving "that there be laid before the house a copy of the letter from the first commissioner of woods and forests to the chancellor of the exchequer on the subject of warming and ventilating the houses of parliament."

Lord John Russell replied by stating, that he heard with great regret it was not Sir Robert Peel's intention to bring forward any important measure in the present session; he thought, considering the time which had elapsed since the principal of the now pending questions had come under the public consideration, that ministers could not have any preparation to present a proposal in connexion with subjects of so much consequence to the country.

Sept. 17. Sir Robert Peel having moved the order of the day, that the house go into a committee of supply, Lord John Russell rose and made a long speech, in which he stated the course which he thought ought to be pursued with reference to the present state of public affairs. Sir Robert Peel replied, that he should not alter his decisions, as stated to the house. Lord Palmerston regretted the course taken, and said he would not be satisfied with the result. A long and uninteresting discussion then ensued, which ended in Mr. Fiebelman moving an amendment, calling on the house, before granting the supplies, to take into consideration the business of the country. Dr. Bowring seconded the motion, and on a division, the original motion was carried by 149 to 41. The house then went into committee on supply. Some miscellaneous estimates were then voted, and the house adjourned to the 20th.

DESTRUCTION OF THE CAROLINE. Lord John Russell then rose and made his promised speech, giving his view of the present state of the country and the line of policy proper to be pursued—in other words, marking out the course of opposition. He began by the foreign relations, and especially with the United States, as to which he said:

In one part of our foreign relations there is certainly a question in connexion with the U. States,

which, in some of its aspects, affords cause of uneasiness; but my noble friend, as secretary for foreign affairs, satisfied the house, by an answer of the United States secretary, that both her majesty's government and the government of the United States perfectly agreed as to the character which should be attributed to the attack upon, and the capture of, the *Caroline*—(loudly)—that it was a case which was debated between nation and nation, and not to be treated as a private wrong. A different view, however, had been taken by the judges of the state of N. York, and if that view should be carried out it would be destructive of all amicable relations between the two governments.

If two governments were not to decide if a question was international, or between private individuals, and any judge had the power of deciding that a question which the government considered national was a subject for the local courts, no amicable relation could subsist between the two states. (Hear, hear.) He read the judgment of the judges who decided this case, and in that judgment it seemed to be admitted that the two executive authorities had agreed that the case was one which should be decided between the two governments. But the judge who had decided that case had stated it as his opinion that it could not be considered as a case of war, and therefore that it was a proper one to be decided by his own tribunal.

It appears to me that this is a doctrine to which no government can agree. For, according to this doctrine, if sir Graham Moore, or any other officer who had captured the Spanish frigates at the beginning of the Spanish war, should be taken before a Spanish tribunal, it would be equally competent to the judge of that tribunal to say there was no declaration of war at the time these captures were made, therefore the captures are piratical, and the officers engaged in them are liable to be convicted of murder. But on the other hand it appears that, though such may be the construction of the law adopted by the state of N. York, yet, considering what has been stated on one side by Mr. Fox, and on the other by Mr. Webster, with regard to circumstances attending the capture of the *Caroline*, and the accordance of opinion existing on that subject. (Hear.) I do not believe that the authority of the law will permit any occurrence to take place which will expose our country to the possibility to danger for executing the commands of his sovereign. I therefore feel convinced that, while the two governments are agreed, it is not likely that there will arise any cause of war between the two countries. I am sure that there prevails in this country, and I believe in the United States also, the strongest desire that peace may be preserved between those two great countries. (Cheers.)

Sir Robert Peel replied. With reference to the United States he was brief enough.

As to the United States, I confess I look to the present state of our relations with them with great solicitude. (Hear, hear.) It seems to be so manifestly the interest of these two countries, which are united by so many ties, to avoid a hostile collision, that I hope the good feeling and the good sense of the people of this country will aid the government if any necessity for that should arise. But at the same time feel the obligation of making no concession derogatory to the honor of this country for the sake of a temporary conciliation. (Great cheering.)

Sir Edward Sugden has refused to accept the chancellorship of Ireland.

A great anti-corn law meeting was held at Manchester on the 16th of September, the call for which was signed by 318 of the most respectable firms and individuals in and about any of the counties.

A memorial to the queen was adopted, imploring her majesty to use her influence for the repeal of the taxes on food. The statements of distress made by some of the speakers were most appalling.

A great number of petitions for the repeal of the corn laws were presented.

Mr. Barclay gave notice of an address to the queen, praying her to use her influence with all maritime powers to obtain treaties binding them to suppress the barbarous practice of piracy.

Mr. J. Curtis, of Ohio, has been making speeches in several large towns in England, about the expediency of the war against America, to supply England with corn. The people of Manchester had asked him to write home that the corn laws should be repealed.

Vauxhall Gardens were sold by auction, at Garraway's coffee house, on the 9th ult. for £20,200, to a Mr. Fowler. The Princess's theatre, in Oxford-street, burnt by Mr. Hankey, the jeweller, to the value of £10,000, and the theatre of his assignees, for £16,000. Covent Garden theatre was assigned by Madame Vestris on the 6th ult.

The old banking-house of Holbourn & Co. of Bath, has stopped payment.

The *Kelso*, a new ship of 900 tons, was destroyed by fire, with most of her cargo, on the 9th ult. in the West India docks. A fire broke out in a building in Piccadilly, occupied by a Mr. Salmon, on the 12th, and entirely destroyed it. A fireman was killed at the time by the falling timbers, and another was seriously injured.

D. J. O'Connell continues to attend the repeal meetings in Ireland, and is very violent against the new cabinet. He boasts of the aid he receives from America, and says that a large remittance from New York was expected soon.

Col. Napier, the author, it is thought, of the great history of the Peninsula war, has been engaged in a controversy with the *Times*, on the *McLeod* case. We have only one of his articles, but it seems to afford a sufficient understanding of the whole discussion.

Colonel Napier in reply to the "*Times*."

Times.—"The republican sympathisers were the first aggressors."

Answer.—That gave England no right to invade America.

Times.—"The destruction of the *Caroline* was a matter of self-defence."

Answer.—That may be proved. If she had been destroyed out of the American waters it would have been so. If she had been pursued into the American waters when flying from an attack, it would have been so. But she was deliberately attacked in the American waters, without any previous demand for redress, without any proof offered, any declaration made, and without any piratical vessel being in the vicinity, was, therefore, an attack on the American nation.

Times.—"The state of New York was bound to enforce the neutrality of its citizens."

Answer.—Undoubtedly, if it could. An American general was sent with troops to enforce it. But the frontier is immense, and a coast so long. The neutral coast could not be enforced. Was bad faith on the part of the American government suspected? If so, an energetic remonstrance and notice of reprisals, if redress was not granted, would have been the mode of proceeding according to the international law.—Was no deceit suspected? Then a demand for the surrender of the *Caroline* and her crew as a piratical vessel, or the punishment of the pirates, according to the laws of America, would have been the proper mode of proceeding. In either case the right of the American nation to have its sovereignty in its own waters respected would have been conceded, but the deliberate destruction of the *Caroline* in American waters by a command act in itself, and not the continuation of an attack commenced before she took refuge in the American waters, was quite unauthorized by international law. Was it a matter of necessity? That necessity should have been shown; and an apology founded on it offered for the assault upon American sovereignty. Had this been done, on the instant weakness or dishonor could have been imputed to England, and though it would be less graceful now, it is never too late to act justly and honorably.

Times.—"The federal government has explicitly recognised the right of England to insist unconditionally on Mr. McLeod's release."

Answer.—This has no bearing on the question.—The captivity and trial of *McLeod*, after the English government had taken upon itself the responsibility of destroying the *Caroline*, is a violation of international law on the part of America, which the federal government does not defend, and which it undertakes to defend in no manner justifies the previous violation of international law by England. The federal government is willing to redress the injustice done to us by releasing *McLeod*, but apparently it is unable. We then, on our part, ought to express an equal willingness to redress the injury done to American sovereignty, either by showing the necessity of releasing the provocation, and apologizing. In fine, the *Times* would adduce those proofs of the necessity for the destruction of the *Caroline*, in the manner it was effected, which have been laid down in Mr. Webster's letter to Mr. Fox as requisite to bring the act within the pale of necessity and expediency, and more reasonable and more effectual than calling any proposal for an apology "stark staring nonsense."

W. NAPIER.

ARMY. We find, from a return moved for by Mr. Hume, M. P. that the total number of English, Irish, and Scotch non-commissioned officers and privates in the British army (exclusive of artillery and sappers and miners) amounted to 103,400 in January, 1840, and 103,350, and on the 1st of January, 1841, 102,577.

PEACE AND WAR. Extracts from the speech of Sir R. Peel. Let me first notice two or three points in the address upon which no great difference of opinion is entertained. The first is that in which we express our satisfaction "that the temporary suspension of the measures taken in execution of the treaty of the

15th of July, 1840, created between the contracting parties and France has now ceased." Sir, no man learns with more satisfaction than I do, that that separation has ceased. No man learns with more satisfaction that France has acted consistently with her honor in entering again into the great councils of Europe. (Hear, hear.) I do, however, hope that that union will not be a mere formal reunion, but that it will be accompanied with the restoration of those amicable feelings, and of that cordial and good understanding between the chambers of dep. of France, and the people, and the security and tranquillity of Europe. (Cries of "hear" from both sides of the house.) I have read with feelings of the greatest satisfaction the sentiments which have been recently expressed by a great statesman—I speak not of sentiments expressed in the assembly of the chambers of dep. of France, but of a public meeting, and whatever is stated at such a meeting by a man so eminent, holding so high and important a situation, and who has proved himself so truly deserving of the character of a great statesman as M. Guizot, the present minister for foreign affairs in France must command attention—I have seen, I say, in the utterance of such a frank and candid declaration from him—that he rejoices in the prospect of the restoration of a good understanding between France and the other powers of Europe. (Hear, hear.)

The next paragraph says—"her majesty trusts that the union of the principal powers upon all matters affecting the great interests of France will afford a firm security for the maintenance of peace." I, for one, with the rest of this house, also reciprocate that hope. I sincerely hope that a cordial union may exist between those powers upon all matters relating to the interests of Europe, and I hope the first great interest of Europe that will be discussed, will be the maintenance of peace. (Hear, hear.) Is not the time come when those powerful councils may reduce their military establishments, (hear, hear), when they may say to each other "there is no use in this relative increase of military strength?" And what, after all, is the use of one power greatly increasing her navy or greatly increasing her army? Does not that power know that for the purposes of protection and self-defence other powers will follow the example? And does it not also know that there is no relative increase of military strength that does not produce a corresponding weakness in another direction? (Hear, hear.) By such a course you derive political and military advantages, which you anticipate, the energies of war whenever may become necessary. It is no romantic idea, that when a nation has to trust to its armaments for security, profusion of its resources must weaken its power of protection. If each country will commune with itself, if each country will ask what is the state of its finances and those of every country in Europe, if each country will ask what is the danger to be apprehended at present from foreign aggression, compared with the danger of producing dissatisfaction and discontent, from curtailing the comforts of the people by undue taxation, the answer it must give is, that the danger from foreign aggression is less than the danger from the preparation of war. (Hear, hear.) That is a question connected with the interests of Europe which I hope may be amongst the first attended to. It is not a question of which country shall exercise the greatest influence in this court or in another; the question is, whether it is not the true interest of the countries of Europe to have a common accord which shall enable them to reduce those military armaments which belong to a state of war rather than of peace. (Hear, hear.)

I wish that the councils of each of those countries—and if their councils will not, I hope that the public opinion of each country will induce them to direct their attention to the great revolution which has been brought about of late years in the feelings of Europe. A 25 years peace, an increased intercourse of commerce, new connexions, and new interests, have effected a great change in public affairs. Take France, for instance, and what country in Europe, if common sense and the councils of that country, will direct them to wish to see such a nation curtailed of its legitimate proportion of its authority in the general councils of Europe. Some persons are disposed to think that this old feeling of what is supposed to be national hostility towards France still prevails in this country. That is a complete mistake. (A general cry of "hear.") If you take the public opinion of this country in the proportion of 99 to 1, you will find that there is no other wish amongst her people than that France should consolidate the free representative institutions by which she is governed—you will find that there is no other feeling of jealousy or hostility against her successful competition in the paths of science, in the encouragement of the arts, of literature, of manufactures, of industry, and of commerce. (Hear, hear.) My firm belief is, that if France were in danger from just aggression, the security of the nation would not be found in the number of her regiments, but in the

mind and public support of her people, who would rise with the energy of one man to dispel the danger of that aggression.

The same may be said of that magnificent country Germany, in the midst of which though divided into separate estates, there prevails at this moment, a spirit and a force which extends from Hamburg to the Tyrol, and from Berlin to the southern confines of the country, and which, if the country were threatened with aggression would likewise rise in all its fulness, and its majesty, and annihilate the invaders. (Hear, hear.) In them are to be found the securities against aggression, and for the maintenance of peace, and in

"Time-raised battlements or labored mounds," in "Thick built walls or moated gates."

but in man, his mind, his soul, the same, who, at the call of patriotism in Germany or France, would, at the notice of a moment, rise in all that energy which France displayed in '98. (Cheers.) Why do I give this counsel? (Cries of "hear," from the ministerial side of the house.) If I could assume your hypothesis that I shall be called to power, you surely will charge me with an indecent presumption in giving this advice. (Hear, hear.) The first impression perhaps will be, that "this man is afraid of war," or that he counsels other states to reduce their army, in order that he may gain by their doing some paltry advantage; but public men must disregard such low and grovelling insinuations. (Cheers.) You cannot conduct a war as a party. You cannot make a country that you conquer bear the expense of the conquest. That is impossible. What, then, must these warlike preparations end in? A moment must arrive the most ineluctable for states as well as for individuals; a day of reckoning will come. (Loud cries of "hear.") It is the same thing in every country. And when the people come to calculate in their sober moments the relative advantages of immense armaments and universal distress in the train of military glory, with the taxes raised to maintain those armaments—when they come to take calmer and more discreet views as to the relative merits of the cost and of the momentary excitement, their sober conclusions would justify a statesman in adopting an equally sober policy, but a policy which at the same time is perfectly consistent with the firmest determination, if an occasion should unhappily call for it, to risk every thing in the maintenance of the honor and true interests of the country. (Cheers.)

FRANCE.

The most important news from Paris is that respecting an attempt to assassinate one of the royal family on the 13th ult. The French papers are occupied with little else of interest. It appears that the Duke d'Angame, who had marched with the 17th light infantry through France from Marseilles, had just arrived in Paris, a white proceeding at the head of his regiment, together with his three brothers, the Dukes of Orléans, Nemours and Montpensier, an assassin named Pappard discharged a pistol shot at him; but fortunately the shot did not take effect.—Pappard was instantly arrested. The greatest excitement prevailed in Paris. Groups of loose characterable men, many of the cost, uttered edifying remarks as Louis Philippe—was Guizot—we must have blood," were heard. The mobs were dispersed without a riot taking place. The census had caused very disagreeable events in the south of France, where trifling disorders had taken place. The people fired on the military at Clermont, in Auvergne, killing and wounding several. The troops succeeded in putting the riots down. The disturbances in most places had nearly subsided by the last accounts.

M. Hottinguer, the celebrated banker of Paris, died on the 10th ult. also E. Berlin, principal editor of the *Journal des Debats* for 40 years.

It was generally believed in Paris that the new French loan (for 150,000,000) would be brought out in October.

French Africa. *Toulon*, Sept. 11, (received the 13th).—The maritime prefect to the minister of marine. The situation of the provinces of the west is continually improving; 10,000 Men have been sent on our side, and, thanks to their medium, Mostaganem abounds with supplies. The submission of the Bordja, who have sent in hostages, is considered as likely to take place soon; and their example will necessarily bring about the surrender of the Garrabas. The Arabs, who had abandoned our Domain as we were asking for leave to return. There is no longer any talk of Abdel-Kader, who does not give any obstacles to these desertions; and it is hence concluded that the autumn campaign will subdue him completely. There is nothing new from Mahon.

AFRICA.

The expedition fitted out in England for promoting civilization in Africa, visited Monrovia, and took

on board one or two persons to assist in cotton planting. The fleet consists of two iron steamers and a tender. They will proceed up the Niger.

The object of the expedition, as shown by Captain Trotter, is to proceed up the Niger, with a view to obtain accurate geographical knowledge and surveys, and to form treaties with the various chiefs in its route, for the abolition of the traffic in slaves, and the establishment of a legitimate commerce.

The immediate objects of the society, are to make the Africans acquainted with the innumerable riches of their own soil, and to sedulously divert their attention to its cultivation, on a system of free labor. To convince them, moreover, of the unmeasurable superiority of agriculture, and innocent commerce even in point of profit over the slave trade, which excludes them.

2. To instruct the natives in agriculture and practical science, by cultivating small portions of land as models for their imitation, to distribute agricultural implements, seeds, plants, &c. to introduce local and other improvements, and to suggest and facilitate the means of beneficially exchanging the products of Africa for the manufactures of Europe.

3. To examine the principal languages of Africa, and to reduce them when possible to a written form.

4. To investigate the diseases of the climate, and local peculiarities of Africa, for the benefit as well of natives as of foreign residents and travellers, and to send out medicine for the manufacture of Europe.

5. To co-operate by every means in its power with the government expedition to the Niger, to report the progress, assist its operations, circulate the valuable information it communicates, and generally to keep alive the interest of Great Britain in the suppression of the slave trade, and the welfare of Africa.

SPAIN.

The news from Madrid is unimportant. The Spanish government has permitted the Infante Don Francisco de Paulo and his family to return to Madrid. To measure will give a sad blow to the faction of the exiles.

Espartaco has signified to the French government that the queen being a minor would not be permitted to receive letters from an ambassador, even if deputed by his government for that purpose.

SPAIN AND PORTUGAL.

Spain and Portugal were on the worst terms. Many fear that the two nations are inevitable. The regent of Spain is well disposed for a rupture with Donna Maria.

GREECE.

The new Greek ministry is at an end. Myrceorodo, worn out by the obstacles thrown in his way by King Otho, has definitely resigned, and another cabinet had been formed. The affairs of Greece were rapidly becoming more complicated, and an insurrection against the Bavarian rule was anticipated.

HOLLAND AND BELGIUM.

Amsterdam. The report on the budget has met with such rigorous opposition that it is thought the legislature may not even be satisfied with rejecting several of the most obnoxious chapters. The introduction of a more rigid economy, and a more simple administration, has been insisted on.

The British Queen steamer arrived at Antwerp Sept. 9.

AUSTRIA.

The Vienna correspondent of the *London Morning Post*, states that the notes of prince Metternich had procured the assent of France to the disarming of Europe. The reduction of the Austrian army is to take place in October, when, it is said, the entire Landwehr will be disbanded.

PRUSSIA.

It is stated that the differences between Prussia and the Holy See had been adjusted, by means of mutual concessions, and that the king had conferred a decoration on the Prussian negotiator in testimony of his satisfaction.

POLAND.

Advices from the frontiers of Poland, contradict the reports of changes in the institutions of that country. The emperor, it was thought, would not visit Warsaw this year. The Russian troops in Poland had been reduced to the peace footing.

TURKEY.

Accounts from Constantinople of the 28th of August, states that the tribute to be paid by the Syrian emirs had been fixed at £17,530. Said Bey was still in the Turkish capital.

Lord Ponsonby was about to leave Constantinople for England.

The Candian insurrection was completely at an end and Mustafa pasha had returned to Candia.

The appointment under these circumstances seemed calculated to show a disposition on the part of President Tyler to conciliate the differences between the lately interrupted party. The action in good faith and followed by a corresponding course of executive action, given to the people will hardly know what to believe while the President, the official organ of the executive, is at the same time to vituperate the warring party, and to charge upon Mr. CLAY and his friends a foul conspiracy against the purpose of breaking down Mr. TYLER.—It is this charge is too absurd to gain credence.—

fact that it is made and reiterated argues anything but a conciliatory disposition.

With regard to Mr. SPENCER, he is every where spoken of with great respect. His abilities are highly esteemed, and his character for application and business habits are of the first order. Previous to his appointment to the war department he held in New York the office of secretary of state."

CONSULS. EDWARD DE WOLF, esq. consul for the Netherlands at Mobile, died at Pensacola on the 17th ultimo.

Among the strangers lately arrived in Washington, is BATH VANDERSTRAETEN, who succeeds Count DE BAILLET, as secretary to the Belgian legation near the United States.

TREASURY NOTES. *Treasury Department, October 2, 1841.* Amount of treasury notes issued under the provisions of the acts of congress of 1837, 1838, 1839, 1840 \$30,681,337. 52
Redeemed of those issues 24,902,925.64

Leaving outstanding	\$1,778,411.89
Issued under the act of February, 1841, viz: Prior to	
March 4, 1838	673,651.32
Since March 4, 1838	5,373,251.53
	5,946,932.90
Redeemed of that issue	352,320.39
Leaving outstanding	5,594,612.51
Making an aggregate outstanding of	\$7,373,024.40
W. FORWARD, secretary of the treasury.	

SKETCH OF THE COMMERCE AND NAVIGATION OF THE UNITED STATES IN 1840. We have at length received a copy of the annual report which has just been printed. In anticipation of the regular tables which we generally publish, we have made the following hasty sketch of the commerce of 1840.

Imports 1840. The imports in 1840 (year ending 30th September) amounted to \$107,141,519, exceeded by the exports 24,944,427. (This amount varies from the tables accompanying the report of the secretary, vol. III, p. 409, it being then only an estimate.)

In 1838 the imports were \$113,717,041
1839 162,092,132
1840 107,141,519

Which shows the imports in 1840 to have been less than in 1838 by \$6,575,585, and than in 1839, \$5,495,613.

Of the imports, 499,802,352 were in American, and \$14,339,167 in foreign vessels.

Of the whole amount of imports \$57,196,204, or 53 per cent was free of duty.

The amount of imports from
England \$33,114,133 Mexico \$4,175,001
France 17,572,876 Hanse towns 2,521,493
China 9,835,477 Brit. Am. col. 2,007,767
Brazil 6,640,829 Russia 2,572,427
Spain 4,927,296 Brit. E. Ind. 1,952,641
From Sweden and Norway, Holland, British W. I. Hayti, Spain, Spanish W. I. except Cuba, Italy, Venezuela, Chili, the imports exceeded one million each.
Some of the principal articles of imported were
Teas (from China) lbs. 19,814,476 \$5,417,589
Coffee, lbs. 94,996,095 8,546,222
Silks net India 8,288,958
Cloths and cassimeres 4,686,529
Cottons dyed, printed or colored 3,893,694
Brown sugar, 107,955,093 lbs. 4,742,492
Bar iron 3,397,480
Salt 1,015,426
Molasses 2,910,791

Exports.
The amt of exports in 1840 amt'd to \$132,085,946
1839 121,028,416
1838 106,486,616
Being an excess in 1840 over 1838 of \$25,399,330 and over 1839 of \$11,057,530. Domestic exports in 1840 amounted to \$113,395,634, and foreign exports to \$18,190,312. In 1840 the domestic exports exceeded those of 1839, \$10,361,743. The exports exceed the imports \$24,944,427.

Some of the principal domestic exports in 1840—
Cotton \$63,750,367
Flour 10,143,615
Tobacco 9,883,957
Cotton goods 3,549,607
Refined sugar 1,214,658
Of the exports there went to
England \$57,045,660 Holland \$8,656,310
France 21,841,554 Brit. W. Ind. 2,965,584
Cuba 6,310,515 Mexico 2,515,341
Brit. Am. Col. 6,093,250 Brazil 2,066,574
Hanse towns 4,198,439 Scotland 2,050,940

Russia, Danish W. Indies, Hayti, Italy, Trieste, Texas, Chili and China each took of the exports over one million.

Imports—gold bullion	\$723,127
silver do.	469,434
	742,561
Specie—gold	2,812,030
silver	5,328,222
	8,140,252
	8,882,513
Exports—Am. gold & silver coin	2,235,073
Foreign gold	1,468,300
silver	4,665,952
	6,134,252
	8,369,325

Total excess of imports \$513,458
Showing that there has been an excess of imports of \$2,748,561 of foreign gold and silver, and an export of \$2,255,073 of American in its place.

Commerce of some of the Atlantic states.
New York—Imports 60,440,750 dollars. Exports \$34,064,050, viz: domestic produce \$2,676,609. Foreign \$11,587,471—Tonnage entered, vessels, 4,551; tons, 1,006,990; crews, 54,583 men and boys. American vessels, 2,483; foreign, 1,708. Cleared, 2,411 American; 1,678 foreign; total, 4,089.
Massachusetts—Imports \$16,513,858. Exports, \$10,186,261, viz: American \$6,968,158. Foreign, \$3,918,103. Tonnage entered, 1,904 vessels; tons, 321,450; crews, 16,566; American vessels, 1,201; foreign, 703. Cleared, 1,704, viz: 940 American and 764 foreign.

Pennsylvania—Imports \$3,464,882. Exports, \$6,890,155, viz: American produce \$5,736,456; foreign, \$1,083,689. Tonnage entered, 444 vessels; tons, 87,792; crews, 4,253; American, 353; foreign, 91. Cleared, 376 American; 83 foreign.

Maryland—Imports, 4,910,746 dollars. Exports, \$5,768,768, viz: American produce \$3,495,020. Foreign, \$2,273,748. Vessels entered 410 tons, 82,144; crews, 3,727; American, 303; foreign 101. Cleared 352 American and 109 foreign; total, 461.

Virginia—Imports, \$45,085. Exports, \$4,769,337 domestic produce; \$8,283 foreign. Total, \$4,774,220; vessels entered, 136 American, 34 foreign; total, 170. Cleared, 223 American, 37 foreign; total, 260.

South Carolina—Imports, \$2,025,470. Exports, \$9,981,016 of domestic, and \$55,733 foreign; total, \$10,036,769; vessels entered, 257; tons, 60,645; crews, 27,792. Cleared, 406, viz: American, 323; foreign 84.
Georgia—Imports \$91,428. Exports, \$6,862,959—all American produce; entered 175 vessels; cleared, 281.

Alabama—Imports \$574,651. Exports, \$12,854,694—all domestic; vessels entered, 146 American; 61 foreign; total, 207. Cleared, 251 American, and 57 foreign; total, 308.

Louisiana—Imports 10,673,190 dollars. Exports, \$32,998,059 of domestic, and \$1,238,577 foreign; total, \$34,236,636; vessels entered, 672 American; 352 foreign; total, 924. Cleared, 890 American and 265 foreign; total, 1,155.

Of the whole amount of domestic exports, the southern states exported, viz:

Maryland	5,495,020
Virginia	4,769,337
North Carolina	357,844
South Carolina	9,981,016
Georgia	6,862,959
Alabama	12,854,694
Louisiana	32,998,059
Florida	1,850,709
	75,199,878

The middle states exported as follows:
New York 22,676,609
New Jersey 14,863
Pennsylvania 5,736,456
Delaware 37,001

New England states:
Maine 1,009,910
New Hampshire 20,761
Vermont 305,150
Massachusetts 6,268,158
Rhode Island 203,006
Connecticut 515,210

Western states:
Ohio 991,954
Michigan 162,229

District of Columbia 1,154,183
751,429

Total exports \$113,895,634
From this statement it would appear that the southern states export nearly three-fourths of the domestic products of the United States—of which Loui-

siana exports nearly one-half. But as the Mississippi is the natural outlet of the south-western and western states, which do not appear in the tables to have any exports—they ought to be considered in connexion with that state.—Again, they are entitled to a credit for a considerable portion of the exports from the middle and eastern states—such as cotton, tobacco, rice, &c.

The following is a similar classification of the states with respect to imports:

Maryland	4,910,746
Virginia	545,085
North Carolina	252,532
South Carolina	2,058,870
Georgia	491,428
Alabama	574,651
Louisiana	10,673,190
Florida	190,728
	19,697,230

Middle states:
New York 60,440,750
New Jersey 19,209
Pennsylvania 8,464,882
Delaware 802

New England or eastern states:
Maine 628,762
New Hampshire 110,647
Vermont 40,407
Massachusetts 16,513,858
Rhode Island 274,534
Connecticut 277,072

South-western and western:
Ohio 4,915
Kentucky 2,241
Tennessee 28,983
Michigan 138,610
Missouri 10,600

District of Columbia 185,304
119,552

Total imports \$707,141,519
Showing that about four-fifths of the whole amount of imports arrive in the middle and eastern states.

Navigation and tonnage.
There arrived in 1840, 7,211 American, 4,571 foreign vessels—total 11,782 vessels, of 3,289,309 tons. Crews, 110,091 men, 3,739 boys. Cleared during the same time, 7,583 American, 4,583 foreign—total 12,166; tons 3,253,495. Crews, 116,331 men, 3,415 boys.

Of the foreign vessels which entered, 4,024 were British, 113 French, 134 Hanseatic, 101 Spanish.

Of the vessels entered, there arrived at
New York 1,955
Boston 1,507
Pascamaquoddy 1,161
New Orleans 924
Philadelphia 444
Baltimore 110

The registered tonnage of U. States is 899,764—76 enrolled and licensed 1,176,694—46 fishing vessels 104,304—84

Tons 2,180,764—16-95

The tonnage employed in whole fishery 136,926—64-95 coasting trade 1,144,664—34 cod fishery 67,926—48 mackerel fishery 28,269—19 steam navigation 198,184—30

There were built in the United States in 1840—37 ships, 109 brigs, 378 schooners, 221 sloops, 63 steamboats, total 871. Tonnage 118,309—23-35.

Of these 181 were built in Maine,
113 " " Massachusetts,
109 " " New Jersey,
103 " " Pennsylvania,
111 " " Maryland,
72 " " New York.

There were sold to foreigners 11 ships, " " 29 brigs, " " 46 schooners, " " 1 sloop.
Lost at sea 33 ships, " " 87 schooners, " 41 brigs, " 20 sloops, 72 " 16 steamboats.

88 vessels were condemned as unseaworthy.
[Hazard's Commercial Register.]

OPERATION OF THE NEW REVENUE ACT. The N. York American of the 1st inst. says—The new revenue act goes into operation this day. It was stated in our last that great quantities of free goods, in anticipation of the duties imposed by this act, were pouring in; and, moreover, that of French goods, by far the largest portion was for foreign export, or consigned to foreign houses here. The first of this statement having been questioned in a

Philadelphia paper, we have obtained a statement from the custom house books of the entries by *tree ships* from Havre; and from these it appears that goods then "free," but now subject to duty, to the amount of *six millions of francs*, or about *twelve hundred thousand dollars*, were entered.

On the second point, the almost entire exclusion of America from the French trade, these shipments are not less significant—for about *nine-tenths* of the whole were for foreign account, and entered by foreigners.

Nor is it with French free goods alone that the market is glutted. Linens to an enormous amount have been brought in—so that it is estimated a full supply, for more than a year, has been received in anticipation of the duty.

THE ARMY.

MAJOR GENERAL SCOTT and his aid, Lieut. ALDEN, reached Washington on the 1st inst. from the northern frontier.

GENERAL ORDERS, No. 58.

Head-quarters of the Army, Adjutant General's office, Washington, Oct. 2, 1841.

I. The 5th regiment of infantry will proceed to the Detroit frontier and Upper Lakes without delay, and take post as follows:

At Fort Brady, - - - one
Fort Mackinac, - - - two
Fort Gratiot, - - - two

Companies.

II. Second and dependencies, five
On the 5th inst. the 5th infantry, the five companies of the 4th regiment of artillery on the Upper Lakes, (including Capt. Munroe's) will proceed to Buffalo, N. Y. and be stationed as follows:

Two at the head-quarters, Buffalo,
One at Fort Niagara,
One at Fort Oswego,
Two at Madison barracks.

III. Six companies of the 2d regiment of dragoons, with the major, will be withdrawn from Florida, and under the colonel proceed without delay to the southwestern frontier, and take post as follows:

Four companies at Fort Towson, and
Two at Fort Jessup.

Col. Worth will direct these companies, on leaving Florida, to proceed via Tallahassee to Mount Vernon arsenal, Alabama, where they will be concentrated. Four companies of the regiment will continue for the present on duty with the Florida army, under the lieutenant colonel, who will join the squadron without delay.

IV. The companies of the 4th infantry, now stationed at Fort Towson and Jessup, on being relieved by the dragoons, will take post at such stations as the commanding general of the second military department may direct. By command of Major Gen. Scott. R. JONES, *Adj't. Gen.*

GENERAL ORDERS, No. 55.

War department, Adjutant General's office, Washington, September 29, 1841.

I. The following addition to paragraph 1,249, of the general regulations for the army, has been received from the department of war, and is published for the information and government of all concerned:

"And no pay or emoluments will be allowed to officers who may hereafter be restored to rank, for the service they may have been on of service."

II. Fort Monroe and Jefferson barracks having been re-garrisoned, are, by direction of the war department, placed on the list of chaplain posts.

By order, R. JONES, *Adjutant General.*

COASTS OF ENGINEERS. The officers of the corps of engineers are engaged in superintending the construction and repair of the various fortifications in the harbors of the U. States. Several of them have also the general supervision of works in other places than those where they reside or are stationed, and are assisted by the junior officers of the corps. Those marked thus, * are members of the board of engineers. The address of each officer follows his name.

Colonel.
I. Joseph G. Totten, * Washington, chief engineer; general supervision of works at Fort Adams, Newport, R. I. and *ex officio* inspector of the military academy.

Lieutenant colonels.
I. Sylvanus Thayer, * Boston, Mass.; Boston harbor, Portland, Maine, and Portsmouth, N. H.
R. B. De Russy, * Old Point Comfort, Va. Forts Monroe, Callison and Delaware.

Majors.
I. John L. Smith, New York; Fort Schuyler; New York and New London harbors, and light house on Flynn's Knoll.
2. William H. Chace, Pensacola; Pensacola harbor and Gulf of Mexico.

3. Richard DeLafield, superintendent and commanding military academy.

4. C. A. Ogden, Mobile; Mobile harbor and near New Orleans.

Captains.

1. Henry Brewster, Albany, N. Y.; improvement of river Hudson near Albany—absent with leave until Dec. 31, 1841.

2. George Totten, Beaufort, N. C.; Forts Macon and Caswell.

3. J. K. F. Mansfield, Savannah; Fort Pulaski—on temporary duty at Middletown, Conn.

4. A. H. Bowman, Charleston, S. C.; Charleston harbor.

5. Robert E. Lee, Fort Hamilton, N. Y.; Forts Hamilton and Lafayette.

6. Alexander J. Swift, instructor of practical engineering, military academy.

7. Frederick A. Smith, Fort Washington, Potomac river.

8. Jonathan G. Barnard, Fort Livingston, Louisiana; Forts Livingston, Jackson and St. Philip.

9. George W. Callum, New London, Conn; Fort Trumbull.

10. William D. Fraser, Fort Niagara, New York.

11. John Sanders, New York; Forts Columbus and William.

12. Charles H. Bigelow, Boston, assistant to Col. Thayer.

First lieutenants.

1. George L. Welcker, Washington; assistant to chief engineer.

2. J. L. Mason, Newport, R. I.; assistant to Colonel Totten.

3. Henry W. Benham, St. Augustine, E. F.; sea wall.

4. Danville Leadbetter, Oswego, N. Y.; Fort Ontario.

5. Montgomery C. Meigs, Washington; assistant to board of engineers—in temporary charge of Fort Delaware.

6. Daniel P. Woodbury, Portland, Maine; assistant to Col. Thayer.

7. William H. Wright, Boston; assistant to Colonel Totten.

8. P. G. T. Beauregard, N. O.; Forts Pike and Wood.

9. James H. Trapier, Charleston, S. C.; assistant to Captain Bowman.

10. Stephen H. Campbell, Old Point Comfort; assistant to Colonel DeRussy.

11. J. M. Scarritt, Pensacola; assistant to Major Chace.

12. Isaac J. Stevens, Newport, R. I.; assistant to Colonel Totten.

Second lieutenants.

1. Robert Q. Butler, West Point; assistant professor engineering.

2. Henry W. Halleck, Washington; assistant board engineers.

3. Jeremy F. Gilmer, Fort Schuyler; assistant to Major Smith.

4. Henry L. Smith, N. O.; assistant to Captain Barnard.

5. Paul O. Hebert, West Point; assistant professor engineering.

6. Zealons B. Tower, Washington; assistant board engineering.

7. Horatio G. Wright, Washington; assistant board of engineers.

8. Massillon Harrison, Boston; assistant to Colonel Thayer.

Lieutenant I. J. Stevens arrived at New Bedford, Mass. on the 18th September, for the purpose of superintending operations upon the old fort in that harbor, which are to be commenced immediately.

[Army & Navy Chron.]

TOPOGRAPHICAL ENGINEERS. We learn that Major Bahe, of the topographical engineers, with his party, will commence a survey of the Patuxent river in a few days. This, we presume, is the preliminary step to a location for a fort on Solter's flats, or wherever the board of engineers may deem the most important point to be.

[Baltimore American.]

FIRST LIEUT. A. P. ALLEN died at Fort Jessup on the 1st inst. having ruptured a blood vessel while on duty surveying the boundary line between the United States and Texas.

MEDICAL STAFF. Surgeon E. Macomb ordered to report to superintendent of Recruiting service, for duty with a detachment of recruits about to embark for Florida; after performing this service, to report to the colonel commanding in Florida for duty.

FIRST ARTILLERY. Company B, under the command of Captain Van Ness, arrived at Fort Fairfield, on the Arrostook, September 10, from Hancock barracks, and took military possession of the fort.

Formal delivery of the block house and premises was made to captain C. O. Collins, acting

quartermaster for the United States, by Zebloun Inverslev, esq. the assistant land agent. The soldiers take up their quarters in the block house; but the officers will occupy tents until some suitable and convenient buildings can be erected for themselves and their families.

SECOND ARTILLERY. Company B, under the command of Lieut. H. Brooks, has arrived at the United States arsenal, Rome, N. Y. where it will remain for the present.

FIRST INFANTRY. Companies A, D, E, G, H and K, under command of captain A. S. Miller, arrived at Fort Crawford, Prairie du Chien, on the 6th September. The remaining companies, except G, were expected in a few days. The following is the distribution of this regiment:

Companies A, B, E, F,	Fort Crawford.
D, G, H,	Fort Snelling.
I,	Fort Winnebago.
C,	Fort Atkinson.
G,	Jefferson Barracks.

Captain Jonett will leave the depot at Newport, Kentucky, about the 1st October with all the disposable recruits, (about 65), for the 1st infantry.

TRANSFERS. Second lieutenant Bayard Clarke, of the 8th infantry, transferred to the 3d dragoons, to take station next below lieutenant D. G. Rogers. Second lieutenant Amiel W. Whipple, of the 1st artillery, transferred to the corps of topographical engineers.

RECRUITS. By general orders number 56, September 25, the superintendent of the recruiting service is directed to despatch, as soon after the 5th October as practicable, the number of recruits mentioned below, to reinforce the regiments in Florida.

2d infantry, at Fort King	300
3d infantry, at Fort Stanbury	150
6th infantry, at Cedar Keys	210
7th infantry, at Fort Waccassassa	140

The commanding officer at Carlisle barracks is directed to put in march 120 recruits for the five companies of the 1st regiment of dragoons at Fort Leavenworth.

AUTHENTIC FROM FLORIDA. An extract from a report from Colonel Worth, commanding, dated September 13, at Ponta Rosas, which is opposite Tayne Island, on the bay into which the Coosawatchie river empties, says:

"I have the honor to report, for the information of the major general commanding, that on the 11th inst., the appointed day, three of the five messengers sent out from Pease creek, as you were advised in my report No. 45, appeared at this point, with forty-six Indians of Hospiatiki's band, two remained out to gather others, to whom I have added three. On the 22d inst I expect to add to the above number about one hundred and fifty, perhaps more. A post will be re-established here, as convenient for the approach of Indians, and as an important point on the gulf side, in the event of operations south. I shall return to Tampa in a few days, where it is hoped the Indians expected from Arkansas will have arrived, as their presence will greatly facilitate the collection of the Creeks and Tallahassee—from position, objects of the greatest interest.

The whole number of Hospiatiki's people now in is sixty-two, including the chief, three sub-chiefs, and twenty-three warriors."

LATE AND CHERRING NEWS FROM FLORIDA. The steam packet, Beaufort district, Capt. Budd, arrived here yesterday morning, from Savannah, bringing us the papers of that city to Saturday, and the following slips from our correspondent of the Georgian, of Sunday's date. [Charleston Courier.]

The United States steamer, Capt. Budd, arrived here yesterday morning from Florida.

One of our valuable correspondents writes—(15th inst.)—"We have nothing new in the way of Indian news."

Another furnishes the subjoined letter, which details the latest occurrences at Tampa.

Fort Brooke, Tampa Bay, E. F. Sept. 1, 1841.

Sir: The prospect for terminating the long continued difficulties with our red brethren continues to brighten all around, under the auspices of our present commander, Colonel Worth. But it would be well for us all, not to anticipate too much, as we might eventually after closing the war, have more, have the sore displeasure of being compelled to resume it again. I will not however allow myself to doubt, with the brilliant prospect now before me, that Col. Worth will, during the coming winter, put a final termination to this inglorious Florida war.

There are at present at this post about 370 Indians, the greater portion warriors. The principal chiefs

are Hoso-pita-cha, Allack-Hadjo and the renowned Coa-coo-chie. The latest named chief is a master spirit, and although not acknowledged heretofore, as being more than the leader of a small band of warriors, it cannot now be doubted that he is, and always will be, the prime, secret, controlling genius, which has directed the affairs and swayed the different tribes in all their operations, for peace and for war. He is the master of his own tribe, and a word from him, in the shape of an order, is treated with awe, as if defiance, and obeyed with as much alacrity, as if given by a sovereign. In fact the chiefs of all the different tribes now here, look to him as their minister and chief councillor. He has become, since his capture, reconciled to emigration, and is now using his influence with the tribes that are still out and hostile, to come with their people speedily, and go to their new homes in the west.

The 8th inst. was the day fixed upon by Colonel Worth, to have a council with the chief of the Tallahassee, Tiger-Tail, at the Annattulga hammock. Coa-coo-chie went as the representative of Colonel Worth taking with him four warriors and a white bear, and at the appointed time and place, Neah-tah-math-la, the brother of Tiger-Tail, and twelve sub-chiefs and warriors. Tiger-tail did not appear on account of sickness. They conferred together, and the Tallahassee pledged themselves to collect their warriors, women and children, and meet near noon, at the same place, and as soon thereafter, as the model would send their brother (now on his way to Tampa from Arkansas) to them with a talk, they would come in prepared to emigrate at once.

It is expected that all the people (numbering about two hundred) of Hoso-pita-cha, (the name of the tribe at Peace creek, waiting the arrival of a steamboat to bring them to Tampa. A boat, I learn, is to leave this morning for them. It is not doubted that these Indians will all be collected, as anticipated.

Should the negotiations that are now going on, be brought to a successful issue, as I have every reason to believe, there will be none but two bands of Seminoles left, the Tallahassee left, to harass the inhabitants of the country. An active campaign will be commenced by the latter part of next, or the first of the succeeding month, and with Colonel Worth's known energy, aided by the experienced officers now under his command, we may be led to hope, at least, that these remaining Indians will be led up to, and captured, and peace will once more prevail throughout the limits of the territory, and the citizens of Florida may, as in days past, return to the cultivation of their fields, oranges and fig trees, and be allowed to worship under the same, and by their own altars and firesides, and have no one to make them afraid.

Yours, in haste.

OBITUARY.—"In the midst of life we are in death." Never was this solemn truth more deeply realized than in the death of Lieut. JONES, who breathed his last on Thursday morning at Fort McHenry—having survived the fatal accident but a very short time.

All that friendship and medical skill could do to preserve his young and valuable life, has been proved vain. And thus to a moment—in the twinkling of an eye—he has been snatched from the hearts of his devoted parents and the hopes of his country, to scenes of happiness and honor more enduring beyond the grave.

WILLIAM F. JONES was the eldest son of General Robert Jones, adj. genl. of the United States army. Remarkable from childhood for sweetness and simplicity of disposition and the warmth of his affections, he became, as he grew up, the idol of his parents and fond friends. Partaking, in a great degree, the spirit of his gallant father and uncle, he was become anxious to enroll himself among the defenders of his country, and with this view was educated at West Point—where he graduated two years ago, bearing off with him the first honors of his class, and the regard and admiration of his associates. Since then he has been stationed here, where his fine qualities of heart and head endeared him to his commanding officer, and to the soldiers placed under his charge.

We must forbear further notice now, and humbly trust that the Divine arm which has thus stricken the blow, will give strength and consolation to the bereaved parents and relatives under this their heavy and sudden affliction.

Lieut. Jones' remains were on Friday deposited in a private vault of this city, to await their final removal. All due military honors were paid on the occasion.

[Baltimore American.]

On the death of Lieutenant William Page Jones. From the Baltimore Sun.

The landscape sunleth fair in sunny spring,
And when the summer comes 'tis brighter still;
Gay birds, and breeze, and silver streamlet sing,
And happy nature dreams no lurking ill.

'Twas thus the spring-time of thy life, my friend,
Scent'd a bright season of unmingled joy,
Thus did the melodies of earth attune
The flow'ry pathway of the laughing boy!
Oh, I remember well the verdant vale,
And the sweet waters flowing gently by,
The mossy rocks, the tree—from which a gale
Tore its green boughs, and hurried them to the sky—
The cave, where we retired from sudden rain,
And read strange stories of the days of old—
All, all are present to my mind again,
As if reality my eyes beheld!

Then, WILLIAM, sorrow was unknown to thee,
And thou didst tread resounding billy thy song:
The pretty flow'rets smiled upon thy glee,
The zephyrs kiss'd thee, as they danced along.

We parted—years flew by—once more we met—
We met where Hudson forms a fairy scene—
Ah, who that roams the highlands can forget
Those frowning mountains, and that stream serene!

It was the summer of thy silliest days,
The buds of promise now were fully blown,
While their rich beauty was increasing fast,
And far and freely was their fragrance thrown.

Proud Fame invited to her temple bright,
And held a banquet to her chosen on thy way.
I saw thee advance, thy heart's delight,
As from thine eyes it beam'd in sunny ray.

Again we parted, and we met again;
The elder's phrase waved lightly o'er thy brow,
Thy noble steed rushed warlike o'er the plain—
He bore a chieftain fall'd and valiant now.

The far artillery, with thunder roar,
Most terrible, e'en shook the stubborn ground:
And blue Potomac's waves from shore to shore
Ran fearful, trembling at the awful sound!

Silence resumed her reign—and thou wast gone—
Gone, little thought we never more to meet,
Gone, leaving friends and relatives alone;
Gone, cold and silent, in thy winding-sheet!

Ambition blasted, withered youth and love,
Sudden removed from pleasing earthly strife;
WILLIAM, 'tis happier far to dwell above,
And roam the halls of everlasting life!

ZONA.

Washington, September, 1841.

From the National Intelligencer.

The much lamented subject of the above elegy was a graduate of the military academy, and one of the best distinguished of his class. He received his diplomas in July, 1840, and at the time of his exit was on duty with his company, with which he had been serving with great zeal and devotion. The fatal accident which has so suddenly cut off this promising officer, just at the dawn of his hopeful career, occurred about noon, on Wednesday, the 5th inst. He was on a hedge, Lieutenant, riding his friends together, had, it would seem, fallen in the rear of the company as it was retiring from the plain, not very far from Fort McHenry, after the field exercises of the morning; and, in order to come up with it before entering the post, they advanced at a rapid rate, when, unfortunately, several cows, coming suddenly out from a hedge, crossed the path, and overthrew both riders, together with their horses. Lieutenant Jones was rendered insensible for the moment of receiving the fatal injury, ("concussion of the brain"), and never spoke afterwards. He expired the following morning, at half past four o'clock, in the 23d year of his age—beloved by his friends, lamented by all who knew him, mourned by all his comrades. His family:

"Hold my trembling hand;
See not to part this vale,
Which feeling hearts may understand,
But words can never show."

His commanding officer and friend (Capt. Ringgold) says in his official despatch: "In announcing the intelligence to the adjutant general of the army, I have to add the expression of my grief for the loss of an officer who had already given proofs of brilliant talents, and who was an ornament to his profession."

Attended by a few of the many deeply sympathizing friends of the deceased, and of his afflicted family, his remains were silently conveyed from St. Paul's church yard to the Green Mount Cemetery, near Baltimore, on Saturday, the 1st inst. of September. And the relief and mourners who were able to witness the last duties administered to the earth-

"Captain Ringgold's company of flying artillery, in which Lieut. Jones served, was, during the summer ordered from Fort McHenry to Washington, and frequently manoeuvred in gallant style on the plains of the majestic Potomac, the cannon's roar often echoed from shore to shore.

Entire.

ly all of a son, a brother, and a soldier, was the father, General JONES, of the army.

"Best wily, adieu! Thy rich reward—
The bliss that ne'er can clay—
Receive from the approving hand:
Go enter in his joy."

September 20, 1841.
The following notice of the funeral of Lieut. JONES we find in the Baltimore American of Tuesday morning:

The remains of Lieut. Wm. F. JONES were, on Saturday last, removed from the private vault where they had been temporarily placed, to Green Mount Cemetery, and finally interred. This sad ceremony was attended by the bereaved father, Gen. R. JONES, and a few mourning relatives and friends, under a military escort of U. S. dragoons, commanded by Captain RINGGOLD. The Rev. Dr. WYATT performed the services with great feeling and solemnity.

The death of this interesting young officer, under circumstances so sudden and painful, is well calculated to arrest the attention of the young and admonish them of the uncertainty and emptiness of all earthly pleasures and hopes.

Few had more brilliant prospects opening before them than young JONES, and his fate will fall with deep and serious reflection on the hearts of those who, like him, are entering on the morning of life.

May all, when thus suddenly called away, be found as highly endowed with the graces and virtues which an early and well-founded Christian education alone can give.

Brave, generous, modest and intellectual, he yet added to these the higher excellence of a domestic piety, taught him by a fond mother, and never forgotten by a devoted son.

"The will of Heaven is done—the struggle's o'er"
And hope, that lingered long, declines no more,
But bore his spirit on her wings away,
From doubt and darkness, to eternal day!
Lamented there, he never can deceive.
No friends are severed, there, no bosoms grieve;
There we should cast the anchor of the soul,
And leave the billows round the earth to roll.

L.

"THE MARCH OF INTELLIGENCE," SURE ENOUGH. It is stated in the Massachusetts newspapers, that the superintendent of the U. S. armory, at Springfield, has recently issued orders, forbidding any of the mechanics employed in that establishment, from receiving or reading any letter or newspaper within the limits of the armory building. This certainly seems, upon the face of it, to carry a Jack Cadish sort of opposition to the aristocracy of the country of reading and writing, and we need not wonder at the excitement it is said to have produced in Springfield. After all, however, we apprehend there is another side to this case, and before any undue amount of indignation is expended, it would be well enough to wait and see whether the order is any thing more or less than a prohibition of the superintendent, to send newspapers during their regular working hours. If that is really all there is about it, it is hardly worth while to hang the superintendent.

[Cour. & Enq.]

THE NAVY.
MEDICAL STAFF. Assistant surgeon J. Martin, now at Augusta, Gea. arsenal, ordered to Filatka, to report to the col. commanding, for duty.

Ass't sur. R. Weightman, now at St. Augustine, ordered to New York, and there to await further orders.

Surgeon Elwes to report to supt. recruiting service, New York, for duty, with a detachment of recruits about to embark for Florida. On arriving in Florida, to report to the col. commanding for duty.

William Levely, of Md., appointed assistant surgeon, and ordered to Fort Columbus, N. Y. for duty. Dabney Herndon, of Va., appointed assistant surgeon, and ordered to Carlisle barracks for duty.

Ass't surgeons H. Holt and W. W. Hoxton resigned, Sept. 30, 1841.

3d infantry.—Resignation of 1st lieut. Jacob Carter accepted, Sept. 30.

Head Quarters of the Marine Corps.

Adj't and Insp's Office, Washington, Oct. 6, 1841.

ORDERS. As a tribute in respect to the memory of lieut. col. ROBERT D. WAINSWRIGHT, late of the corps of engineers, who died at Fort Mifflin, in Washington, on the 5th inst. at 10 1/2 o'clock, P. M. the officers of the corps are directed to wear crepe on the left arm and the sword belt for one month from the receipt of this order.

By order of Archd. Henderson, col. comd. marine corps.

P. G. HOWLE, adj. and insp.

DRY DOCK AT BROOKLYN. On the 10th September, Mr. Badger the then secretary of the navy, appointed Messrs. Isaac S. Smith and John Wainwright, of Brooklyn, and JOHN G. HICKS, of New York commissioners for building this dry dock, for

Entire.

which appropriations had been made a number of years since, but no progress having been made towards it, the time expired by the general limitation, which revokes appropriations that remain in the treasury a certain time unexpended. The appropriation was renewed at the last session however, and to comply with the views of congress, the above appointments were made.

These appointments have since been revoked by the president, and EDWARD H. COURTNEY, esq. has been appointed to superintend the construction of the dock.

Some of the New York papers appear exasperated at our meddling, and attribute it to a hostility which they say the commissioners of the navy, (whose province the president has decided it to be superintending in the case, instead of the secretary of the navy), have always manifested towards its construction, accusing them of all the delay that has occurred, and of a design still longer to delay the work. They also insinuate, that a *Virginian* feeling, in behalf of the dry dock at the Norfolk depot, has had its influence in this change of superintendence. This, it is to be hoped, is unjust alike to the president, and to the board of navy commissioners.

THE LEVANT. A N. York paper contains a letter from on board the United States ship *Levant*, dated Pensacola, 17th September, which says: "We are now in the Gulf of Mexico, and our health is improving—eighty-five men down with the fever at the hospital—many convalescent—but two deaths. Nearly all the officers have been attacked. The doctors, as usual, disagree; some say 'yellow fever,' others 'high bilious.' All the well men have left early in the yard. The moment cool weather sets in we shall send the ship and crew to the Gulf of Mexico, where the malaria that has afflicted all hands. In 1839, the crew of the ship suffered with the same fever in a more virulent form; and it is the opinion of many that the ship has not been free from malaria since, requiring only the exciting cause, or climate, to produce fever."

In Pensacola many cases of fever have occurred, a number terminating fatally. The place is unusually dull. We are all looking anxiously forward to the time when, well and hearty, we shall cruise again."

THE PRINCE DE JOINVILLE, the enterprising son of Louis Philippe, of France, and commander of the French frigate *Belle Poule*, now at N. York, designs, we understand, to spend some time in the U. States. He has been on board the *Levant*, having passed through Philadelphia, Baltimore and the capital, and is now at N. York. He has been received with the warmest cordiality wherever he has appeared, not only by his own countrymen in this country, but by the citizens generally, and the public officers especially, whose feeling for him personally is no less influential than their respect to the station he occupies, and to the country of which he is a distinguished officer.

The Norfolk Herald says: "The frigate *Belle Poule*, in which the prince de Joinville recently visited New York, with the brig *Cassard* (as her tender) are hourly expected in Hampton Roads, where they will wait for the prince."

The prince visited the United States ship *North Carolina*, immediately after his own ship arrived at New York and saluted. He was received with due distinction by Commodore Perry, who promptly returned both the salute and the visit. Afterwards he visited the navy yards at Brooklyn and Philadelphia and was received with military honors.

Upon reaching Washington, the prince immediately called upon the president, by whom he was received as we near as a guest. The king of the French would of course be welcomed. He visited the navy yard also, and after partaking of a dinner to which the corps diplomatique, public officers and distinguished strangers then in the city were invited by President Tyler, and an evening ball, he left for Norfolk, although thence we learn indeed he visited the interior; Virginia, Kentucky, Ohio, the lakes, &c.

READY FOR ACTION. A letter from an officer of the United States frigate *Constitution*, mentions the fact that our Chinese squadron, having heard that war had been declared between the United States and Great Britain, prepared for a desperate fight. The *Constitution* had her rigging down and topmasts cut down, when the boatswain called all hands to rig ship. Up went topmasts and top gallant masts, rigging, topmasts crossed, sails bent, all hands here to quarters, and the guns shotted. In three hours, the ship was ready for action, and sailing out of the harbor in line of battle, to meet an English ship of war, which was running off the harbor. The ship proved to be the *Melvill*, 74, from England, which informed the squadron that the report of war was premature. This fact goes to show the energy and

determination of our naval officers, and the readiness, and promptitude which they would display should occasion require it.

(Lodge.)

FATAL EXPLOSION. We learn from the New York papers that an explosion, attended with fatal consequences, occurred on board the steam frigate *Fulton*, of Sandy Hook, on Tuesday afternoon. While some experiments were making with a new kind of shell, a 64 pounder burst, killing two persons, and severely wounding six others. The names of the killed are Samuel Snowman, seaman, and Joseph Phillips, carpenter seaman. The wounded are, Russell Smith, carpenter's mate, Joshua Wyman, quarter gunner, Levi Lawson, Thomas Smith, Richard Bell and John Cooper, seamen, all badly.

The explosion did great damage to the fore part of the vessel, giving the appearance of a period wreck. The starboard steam chimney was blown down.

The Express says that the gun broke outside of the carriage and split in the breech—the two parts of the breech taking different directions, one landed on the starboard side (the gun was on the larboard)—the other went 40 feet aft, carrying away the distillery and purser's store room, and iron stanchions, and the staving in both starboard steam chimneys, which added to the horror of the scene by filling the ship with steam. The spar-deck is all knocked up. Lieutenant Strong was thrown 15 feet in the air, falling on the hammock and never rose again.

The almost sure was taken by Captain Newton, Lieut. Chaton, (the first lieutenant) and all the officers of the ship, to prevent an accident which the officers greatly feared.

The officers kept the men back, placing themselves between the gun and the men, and then fired the gun with a slow match.

STATES OF THE UNION.

MASSACHUSETTS.

SINGULAR BARRAGE. The following is part of a description given in the Boston Transcript, of the splendid exhibition and fair held in that city last week:

The third exhibition of the fair of the Mechanics' Institute, was opened this day at 12 o'clock, and appearances indicate that it will far excel either of the previous ones. At this early stage it is impossible to give any thing like a full description of it. It occupies the whole of the Canal and adjoining wharves, being connected by a bridge extended from the second story of the one to the other. This bridge, or more properly it might be called a tunnel, is itself a great curiosity. It is of a cylindrical form, ninety feet in length and ten feet in diameter. It is composed of narrow strips of board, crossing each other angularly, like lattice work, and resembling open basket work. These are riveted together, and the bridge, notwithstanding its length, will easily sustain the weight of any number of persons who could be crowded into it. It was invented by Mr. Isaiah Rogers, architect, for which invention he secured a patent more than a year ago, and is now for the first time exhibited. An experiment was made with it before it was put up, by placing the ends on two abutments, and a weight of three thousand pounds being placed in the centre, did not settle it a quarter of an inch. It is one of the most ingenious pieces of mechanism at the present exhibition.

NEW HAMPSHIRE.

LEGISLATURE. It has been stated in the New Hampshire Patriot, and other papers, that the law passed at the last session of the New Hampshire legislature relative to divorce, was passed for the purpose of meeting the case of Mrs. D'Hauteville. We are glad to learn from so good authority as that of the New Hampshire Patriot that such is not the fact.

That paper says: "Since our last publication we have happened to be in a position to ascertain facts, and we find that the lady in question does not at this time and has at no other time resided within the limits of New Hampshire; and we are fully satisfied that no friend of hers ever made application to any member of the legislature for the passage of such a law. The law was secured upon information of the character of this lady as to be fully of the belief that she should not be made the subject of censure or severe remark under her peculiar case. Her connexion with a foreigner of almost every advantage, taste, habits and manners, was unfortunately the child could not be required but by separation: the evil was claimed by the father, as is believed, more from motives of cupidity than of generous affection—the object has become probable, merely and purely mercenary. The lady is reproached by those who best know her, to be unpunctual, retiring and amiable, with no disposition

of herself to contend even with an unamiable husband."

NEW YORK.

HISTORICAL AGENCY. We have received a letter from our friend J. Romeyn Brodhead, esq. dated the Hague, 24th of August. He visits Europe as agent, under the appointment of this state, to collect such papers and documents, as might tend to elucidate the colonial history of this state, in Holland, England and France. We are happy to find that he is succeeding in Holland beyond his most sanguine expectation, in attaining the object of his mission. The Dutch government has most kindly and courteously aided him in his mission. All the paper in the departments of state is at his disposal.

"I am now very happy to inform you, that Providence has been pleased so to bless my labors here, that I have succeeded vastly beyond the narrow bounds which limited my anticipations when I left New York. I have received the most generous courtesy from the government here, and the result of my examination, so far, is the obtaining of 3,000 pages of manuscript, commencing with 1614, and extending down to 1673. In this series of papers are many documents of the highest historical value, which I think will throw a great flood of light over some of the obscure and uncertain parts of our annals. You know, when I left, I was not sanguine about obtaining much from Holland. I think now, that it will be the richest mine that I shall explore. The West India company papers (at Amsterdam) are said to be complete from 1623; and I have already obtained in order, from the proper department, allowance to be made of copies of any papers I may wish. If Providence should bless my labors at Amsterdam, as it has already done at the Hague, I shall have no cause to complain of want of success in Holland. Indeed I can I think safely say, that the documents I have already procured, when they come to be examined, will be pronounced among the most interesting in our records." (Christian List.)

OPENING OF THE NEW YORK AND ERIE RAIL ROAD. "Tough oak and triple brass," says Horace, "must have eaked the breast of that man who first committed a frail bark to the mighty sea," and so, said we mentally, as we whirled at a steam gallant through the rocks and mountains of Rockland county, must his be the breast of that man who first dreamed of constructing a rail road through such a region. But the dream has been realized.

Yesterday at 8 o'clock in the morning, the steamboat *Utica*, with the veteran, not old—Schultz as commodore, received on board as goodly a company as ever left our wharves, based on the first excursion over the New York and Erie rail road to Goshen.

The governor of the state, with his staff, civil and military, the mayor, and several members of common council, were of the company: the judges of our courts the members of congress from this city, the reverend clergy of various denominations, the bar the banks, the insurance companies, the chamber of commerce, the board of trade, the press, and the people, all had large representatives on board; among the strangers were Mr. Senator Phelps, of Vermont, and Mr. T. Butler King, of the house of representatives from Georgia.

From New York, also, there was a numerous and welcome delegation, and as a bright October sun burst forth upon the boat—as, to the inspiring airs of a fine band, she put out upon the broad Hudson—the men seemed propitious that the noble work, the completion of the first portion of which we were about to witness, would so commend itself to the favor of the state, and of the city, as to render its full and prompt accomplishment certain.

About 10 o'clock we reached Piermont, the enormous jetty of which place, running one mile into the Hudson, so as to reach deep water, attracted general notice.

Transferred speedily from the boat to the cars in waiting at the end of the pier, and augmenting our numbers with a goodly addition from Westchester, among whom was Washington Irving, we started in two trains for Goshen.

The ascent is about 60 feet in the mile, with numerous curves, increasing of course the draft. The cars, moreover, are of a heavy construction, and are burdened as they were with human beings, to press down upon the wheels, of which the flanges ground at each revolution into the frame work—Nevertheless, the steam giants flagged not, and though laboring hard very often, they tired never, and rapidly did their way down the mountain through a region of stone and iron—but of cultivation, there was nothing, until we had left the Highlands behind, and entered upon the fertile fields of Orange.

The summit near Ramapo being gained, there is thence a continuous stretch of road through the

HOUSE OF DELEGATES.

	W. Hig.	F. B.
Baltimore city,	0	5
" county,	0	15
Cecil,	0	3
Carroll,	0	4
Frederick,	0	5
Annapolis,	1	0
Harford,	0	4
Washington,	0	4
Prince George's,	4	0
Anne Arundel,	0	5
Calvert,	3	0
Caroline,	3	0
Queen Anne's,	0	3
Montgomery,	8	0
Ken,	3	0
St. Mary's,	3	0
Charles,	3	0
	24	37

Allegany, Talbot, Dorchester, Somerset and Worcester, to hear from. The house of delegates consists of 79 members. The opposition have not an ascertained majority of the members, but it is probable their vote will be increased by the addition of the members from Allegany and Talbot.

[Balt. Patriot.

PENNSYLVANIA.

IRON ORE. A large deposit of excellent iron ore was discovered a few days since, in digging a well on the property of Mr. William Albright, on the west side of the Susquehanna, nearly opposite Sunbury, Pa. The vein has already been pierced to the extent of nearly seven feet, and "the end is not yet." On examination it was discovered that the rocks in the road over which the wagons have been passed for forty years, were an excellent iron ore.

SOUTH CAROLINA.

MILITARY REVIEW AT WHITEHALL. *Abbeville District, Sept. 24.* On Saturday, 18th inst, his excellency the governor, accompanied by Gen. Mc Caffie, General Brantley, and Col. W. H. Marshall and Calhoun, arrived at Shilburg, Edgefield district, the spot appointed for the review of the 24 reg't of cavalry. Upon the day previous, all officers, commissioned and non-commissioned of the regiment and of the companies, had been required to repair thither, but the floods occasioned by the previous heavy rains had prevented the attendance of almost all of them, and even on the 18th, the waters were so high and the roads so bad, as to prevent the attendance of nearly half the regiment. The day however was a delightful one, and all present can testify that the previous unprecedent delay of rain had not in any way damped the ardor of the troops. The regiment with great credit to its officers, as well as to itself, performed many evolutions, after which his excellency gratified the men and remarked to them—

"How gratifying it was to him to witness the performances of the cavalry; that he himself was a trooper, and felt all the interest of a veteran steed upon hearing the clangor of the trumpet sound again, calling him to action. How pleased he was with the proficiency of the officers, the appearance of the soldiers and the faultless (with but few exceptions) performances of the day. He urged upon the men the propriety of encouraging that military spirit upon which alone in case of emergency the safety of the state rested. He stated his regret that the encampment system was no longer in force and his desire that the legislature might be convinced of the necessity of speedily restoring it. He alluded to the customs of the ancients, who provided schools to instruct their youths in military science, and suggested the impossibility of the militia of this state attaining any efficiency in their military capacity without the re-establishment of the encampment master system, which this state has abolished, but which other states have admired and adopted. He stated it was his desire that the encampment should last for six days in each year, at which he pledged himself drill masters should be provided capable of affording the requisite instruction—it was also his desire that all petty matters should be abolished, so that with six days encampment, one regimental parade and one battalion parade, the number of days to be devoted to the acquisition of military knowledge may be the same as at present. His excellency further stated that it was his intention again to review the regiment before the expiration of his term of office, upon which occasion he proposed presenting a plume to that company which he should consider best equipped, best disciplined and most obedient, and be rewarded by thanking the regiment for their attendance and attention.

Highlands, following the sinuosities of the Ramapo river, and constructed close beside its rocky bed, of several miles, with a grade of only 12 feet, and singularly beautiful from its windings among the mountains.

Emerging thence into Orange county, the eye is greeted with a succession of delightful landscapes, of highly cultivated farms, rich pastures, and grazing herds, that started with affright, as the unaccustomed spectacle swept past them. Within a few miles of Goshen, the road runs over a peat meadow formerly famous for hemp, and there is built upon piles driven, some of them, seventy feet down into the soil.

As Goshen came into view, its whole population, with that of all the neighboring towns, seemed paraded upon the gentle slopes near which the depot and the rail road hotel are constructed, and amid the firing of cannon, the sound of music, and the prolonged buzz of the multitude, the first train from this city over the New York and Erie rail road arrived at Goshen; and amid songs and toasts and speeches, the brief space allotted for the halt at Goshen rapidly passed.

It was a great event, and meet it was that it should be so looked upon, and not only by the citizens of Orange county, but by every friend of the state of New York.

Very extensive preparations were made for regaling the arriving multitudes: food, extensive as these were, the hungry and the thirsty were more so; and very few stood upon "the order of their going," but went at once to the work of mastication, each one settling down where he could find a vacant spot, the forms of proceeding were considerably deranged, but in no wise to the detriment of the enjoyment and spirit of the occasion.

There were, to be sure, strange expedients resorted to for knives, and forks, and plates, and tumblers; but, by the aid of such expedients, there was the wherewithal to satisfy hunger, and gratify thirst.

It was our good fortune to be in the room where the president of the company, Mr. Bowen, was, and to listen to the very neat and appropriate speech in which he returned thanks for a toast of prosperity to the road and confidence in its president, he explained the difficulties that had been surmounted, and the claims the enterprise had upon the citizens of N. York.

The former president, Mr. E. Lord, was toasted by Horace Maxwell, esq., to dwell in a few brief remarks upon the services rendered by that gentleman.

Mr. Lord, who was present, returned thanks.

Mr. Bowen then asked permission to propose the health of his own immediate predecessor, James G. King, who had given, as Mr. B. said, all the influence of his character and position, to forwarding this enterprise. The toast, after being acknowledged in behalf of Mr. King, who sometime before had left the table, by another gentleman, was drank with cheers.

Other toasts, among them one to *De Witt Clinton*, were enthusiastically drunk, while some capital singing by some gentlemen from Newark, N. J. added to the general glee—when a little before sundown, the shrill whistle of the impatient locomotive, admonished all that it was time to part; and again, in a few minutes, the multitudinous throng had turned their backs upon Goshen, and were steaming at the rate of twenty miles an hour towards the Hudson.

By the bright moonlight we reached our good stopping at Utica, much gratified by the day's excursion, and without a single accident of any kind to mar the general gratification.

On board the Utica a collation was prepared, at which some of the best speeches of the occasion were made. Among them was one by Bishop Onderdonk, who, acknowledging a toast to the clergy, took the opportunity of bearing testimony to what he considered the *marked effect* of such enterprises as that we were met to celebrate, by disseminating knowledge, eradicating prejudices, and bringing distant points into close and friendly relations. The bishop dwelt with force and effect upon these views, and was listened to with manifest gratification.

Gov. Seward, in answer to a toast, explained at length his views on all such undertakings, which were for the people, and for them especially; and therefore should be so carried on as to ensure the cheapest possible rate of travel and transportation. To this end, he maintained that corporations should not, and could not properly be created with their sole object that it was the duty of the state, and that the state should be alone the great internal improver. As to the New York and Erie rail road, he said, no private company could make it, that the state must do it, and that it should form only one of the great lines of rail roads with which New York must be covered.

He said the line of rail road from Albany to Buffalo, must and could make the road from the Hudson to Erie; that, under the control of the state, the production of one line of roads could make up for the unproductiveness of another line; that, as parts of a great system, it was not material that each branch should pay its own way, so that, as a whole, it was productive; and finally, that, by adopting the policy of owning all the great rail roads as well as canals, New York would soon be able not only to complete her projected works—the New York and Erie rail road among them—but to effect that which was the great end and aim of all—reduce the price of traveling to the lowest possible rate; which the governor estimated to be about *one cent and a half per mile*, or about \$6 from New York to Buffalo, a meagre and very general outline of the reasoning of the governor, who spoke for more than half an hour with great animation, and with apparently strong personal conviction of the expediency of such a system as he advocated.

At about half past ten o'clock, the Utica came to the wharf, and the party dispersed, gratified, we are sure, with their beautiful excursion, and resolved, we will not doubt, each in his own sphere, to aid with all zeal and good will, the completion of the New York and Erie rail road. [N. Y. American.

NEW JERSEY.

TEMPERANCE. It would appear by this extract from a letter in the N. Y. Observer, that some distinguished members of the faculty of Princeton college, have deemed it expedient to lend their sanction to the total abstinence doctrine of some of the temperance societies, with prudent stipulations:

"Our temperance meeting on Tuesday evening was the commencement, I hope, of good in Princeton. Professors Hervey and Briggs, who are the force of habit, and concluded by saying, that 'as far as his example went, total abstinence should have it' and he stepped forward and signed the pledge.— Prof. James Alexander, after stating his protest against three things, 1. That it should be thought that the friends of temperance considered it a sin to drink. 2. That the society should at all interfere with the communion. 3. That any one should be constrained to say that scripture wines were not intoxicating; said 'he had come to do what he had never done before, to sign a total abstinence pledge'; and he accordingly signed it. Prof. McLean said he had been wrongfully considered an enemy of the total abstinence society—he was an enemy of ultra measures, he had never signed a total abstinence pledge, but would now do it; and he did it. Many of the students also signed. Prof. McLean then stated, that the president and Prof. Dod were prevented by sickness from attending and signing."

VIRGINIA.

A SPECIAL ELECTION, held in Albemarle county, Virginia, on Monday, for a delegate to the legislature, in place of Mr. Coles deceased, resulted as follows: Alexander Rives (whig) 546
S. F. Leake (V. B.) 529

Whig majority 17

MARYLAND.

RETURNS FOR GOVERNOR. The following table comprises all the returns we have received for governor. We compare them with the vote for governor in 1838, when Grason, (V. B.) was elected by 311 majority.

	Governor, 1841.	Governor, 1838.
(W.) (V. B.)	(W.) (V. B.)	
Johnson.	Thomass. Steele.	Grason.
Annapolis	181	122
Baltimore city	6,386	7,427
Baltimore co.	1,411	2,886
Caroline	605	551
Carroll	1,443	1,619
Cecil	125	151
Charles	250	135
Frederick	1,114	158
Harford	597	446
Ken.	1,114	158
Montgomery	909	723
Prince George's	187	161
St. Mary's	170	141
Queen Anne's	702	721
Washington	2,196	2,346

16,234 17,814 19,385 20,327
16,234 19,385
5,150 992
Mr. Thomas' majority so far is 1,610, being a gain of 688 on the gubernatorial election of 1838.

Gen. McDuffie then came forward and also expressed his admiration of the performances of the day. He stated that he had formerly expressed his intention of resigning his commission upon the abandonment of the encampment system, that he had done so, but that his excellency had kindly returned his resignation, with a particular request that he (Gen. McD.) would not only continue to hold his commission but would also co-operate with his excellency in promoting the efficiency of the militia and in re-establishing that system which alone can render their equipments more perfect, which the legislature has so considerably compromised by repeal, and which the ominous character of the latest news from England points out as necessary.

Upon the conclusion of Gen. McDuffie's short address, his excellency requested those officers in favor of the encampment muster system to step forward and draw their swords, and his request was complied with by all, but one, who was a corporal named Armstrong.

The general and suite then returned to partake of an excellent dinner, at which they were speedily joined by Col. Dixon and the rest of his regiment.

ILLINOIS.

STATISTICS OF POPULATION, &c., IN 1840. A table showing the population of each county in the state of Illinois, taken at the census of 1840—also, the number of square miles in the several counties in that state; from official documents—compiled by J. A. Townsend, esq. of Allen, Illinois.

Counties.	Population.	Square Miles.	Counties.	Population.	Square Miles.
Adams	14,461	791	Livingston	759	1,028
Alexander	3,316	369	Logan	2,333	576
Bond	5,004	300	Madison	14,433	790
Bowie	1,705	414	Marion	4,390	360
Brown	4,189	306	Marion	4,390	360
Bureau	3,063	810	Montgomery	4,470	684
Cass	2,968	288	Macoupin	7,332	864
Carroll	1,023	432	Morgan	19,154	612
Calhoun	1,741	232	McLean	6,793	1,512
Campaign	5,724	408	Macon	3,638	972
Clark	10,301	1,008	McDonough	3,332	568
Clay	3,229	576	McHenry	2,578	468
Crawford	4,468	410	Marshall	1,849	466
Clark	7,584	504	Meade	4,426	504
Coles	9,616	1,008	Ogle	3,490	756
Christian	1,877	240	Pope	3,320	504
De Kalb	1,708	648	Putnam	4,230	432
De Witt	3,247	510	Pike	11,736	732
Du Page	3,533	378	Putnam	4,231	252
Elkhart	1,676	468	Peoria	6,028	668
Edwards	3,107	210	Randolph	7,615	576
Effingham	2,227	504	Rock Island	2,619	432
Fayette	6,334	720	Scott	6,223	916
Franklin	3,663	432	St. Clair	13,629	684
Fulton	13,149	118	Shelby	6,673	900
Gallatin	10,913	768	Sangamon	14,716	828
Greene	11,963	504	Schuyler	6,927	360
Henry	1,262	240	Stark	1,573	360
Hardin	1,329	104	Stephenson	2,896	276
Hamilton	3,263	423	Tazewell	7,230	892
Hancock	9,901	756	Union	5,523	385
Hopkins	1,693	1,041	Vermilion	9,306	1,692
Johnson	3,640	484	Washington	4,942	576
Jefferson	5,765	576	White	7,913	461
Keokuk	2,927	484	Wayne	5,125	720
Jasper	1,415	488	Wabash	3,894	684
Jo Daviess	6,180	720	Warren	6,719	928
Jersey	4,507	324	Will	10,024	1,128
Kane	6,501	648	Winnebago	4,608	432
Knox	7,062	720	Whitesides	2,515	720
Lawrence	7,075	720	Williamson	4,282	432
La Salle	9,377	1,092			
Lake	2,634	450	Total	476,273	54,004
Lee	2,033	720			

Whites.

Under 5 years	48,004	males	44,067	females.
" 10 "	37,375	"	33,909	"
" 15 "	31,066	"	28,333	"
" 20 "	24,892	"	24,189	"
" 30 "	51,921	"	38,914	"
" 40 "	31,075	"	25,367	"
" 50 "	15,623	"	12,508	"
" 60 "	8,558	"	6,525	"
" 70 "	5,030	"	2,871	"
" 80 "	1,106	"	818	"
" 90 "	232	"	183	"
" 100 "	33	"	36	"
" 110 "	9	"	3	"

Total 254,904 " 215,703 "

Colored.

Free males	1,842	Females	1,635
Slaves	143	"	161
Total	1,985	Total	1,816

Number of persons employed in	
Mining	1,297
Agriculture	97,731
Commerce	2,523
Manufactures and trades	12,488
Navigation of the ocean	285
" " rivers and lakes	795
Learned professions	1,931
Deaf and dumb, &c.	
Deaf and dumb 146—Blind 80—Insane and idiots 300	
Colleges, &c.	
Number,	7
Students,	311
Academies	41
" " " "	1,907
Common schools	1,200
At public charge	33,734
Number of white persons over 20, who cannot read and write	28,780

ARKANSAS.

FACTS RELATIVE TO BONDS. An inquiry has been made through one of the city papers for particular information relative to the value of Arkansas bonds; a few facts will enable us to judge of their value. Arkansas owes no debt for any purpose, but bank capital. Her bank capital is all sound and available.

The bonds are drawn payable to the order of the banks, and the banks pay the interest regularly, and are legally liable for both principal and interest.

The Real Estate bank of Arkansas has a capital of one million five hundred thousand dollars. The stock is secured by bonds and mortgages on the improved property of the citizens to the amount of three millions.

These three millions of bonds and mortgages were transferred to the state as security for the one million five hundred thousand dollars of bonds bearing an interest of six per cent. By the terms of the charter no dividend can be made to the stockholders until these bonds, principal and interest are paid.

The security of the bonds are three fold:
1st. The state is pledged, and owes no other debt.
2d. The bank capital and all its earnings.
3d. Three millions of bonds and mortgages on the best productive lands of the state.

Besides, the FAITH of the state, which is the only security upon which other state bonds rest. These bonds are secured by the revenues of the state, against the bank capital, and the other against the three millions bonds and mortgages held by the state in trust for this purpose.

The interest on these bonds will always be promptly made in this city. [New York Times.]

TENNESSEE.

DEATH OF GUBERNOR CANNON. The mysterious disease, which in the dispensation of Divine Providence, suddenly attacked this excellent citizen, and distinguished and honest public servant, a few days since, terminated his existence at 7 o'clock, last evening. And though the paralytic shock and the course of active treatment to which the governor was subjected, had made rapid and distressing inroads upon his athletic frame, (so recently in the vigor of health), he yielded his spirit to the God who gave it, with the utmost resignation, and in all apparent composure.

The name of NEWTON CANNON will occupy no ordinary place in the political annals of Tennessee. For more than thirty years a citizen of the state, he, filled, during that long and eventful period, numerous and highly responsible stations in the local and national councils, in all of which he was distinguished for a sincere and pure patriotism, and a zealous devotion to the common weal, that won the respect of his political enemies, and commanded him to the confidence of his constituents. A member of the state legislature in 1811, and in several subsequent sessions—a member of congress in 1816 and again in 1819–20, representing the district embracing at that time about half the territory of Middle Tennessee—a member of the state convention in 1834—and governor of Tennessee from 1835 to 1839, he passed with honor and success through the gradations of political life, to the highest office known to the constitution of his adopted state.

In the relation of private life, few men were more truly beloved than Governor CANNON. Sincere in his attachments, exact in his dealings, unostentatious in his character and kind and indulgent in the domestic circle, he lived respected and died lamented, the upright neighbor and devoted friend.

FLORIDA.

INDIANS AGAIN. A correspondent of the Savannah Republican writes from East Florida, Sept. 25. Nothing particularly new from Tampa Bay by the last mail. As the mail rider was coming into Palatka last night, three Indians fired at him from a short distance, about nine miles from that post, one ball struck his horse about the shoulder, which killed him

after running about a mile; the Indians followed, and nearly came up to the express rider, when he drew his pistols, and caused them to stop—perhaps to load their rifles; this gave the express rider the start, which he kept at a killing pace, until he reached Palatka, more than half dead himself. A detachment of dragoons, under Captain Ker, was immediately despatched to the place where this daring outrage was committed, but no trace of the Indians beyond their tracks following the express rider could be discovered.

MCLEOD'S TRIAL.

The Preliminary Arrangements for the Trial.—The trial of Alexander McLeod for the murder of Thurtell commences to-day, all the witnesses and commissions on behalf of the prisoner having arrived. The number of witnesses for the prosecution is about fifty.—The evidence on the defence is mostly documentary, taken under commissions, and about a half a dozen witnesses, who will be examined. The proof contained in most of these depositions can have little if any force, and throw no light whatever upon the presence or absence of McLeod at the destruction of the Caroline, or his participation in the crime. Consequently they can be of little avail in his behalf, the main point of his defence being in the establishment of an *alibi*. Indeed, as far as I can ascertain, there are but three among all his witnesses present here or in Canada, who will swear positively that he was not present on this occasion and such of these, as I learn, will be impeached beyond all chance of salvation.

The court have adopted very salutary and vigorous orders in relation to the ingress and egress of the bar, witnesses, spectators, &c., at the court room. These orders have been printed in large hand bills, and posted about town; and a large number of officers will be in attendance to enforce their observance.

An adequate number of constables and special deputies are in attendance, to preserve order and provide for the entrance and departure of those having business with the court.

CIRCUIT COURT AND OYER AND TERMINER OF ONEIDA COUNTY.

TRIAL OF ALEX. MCLEOD FOR THE MURDER OF DR. DUFFIE.

At half past nine o'clock, his honor Judge Gridley took his seat on the bench, together with Judges White, Kimball and Jones of the county court, who did form part of the court at this trial, they being only on the civil order of the court.

On behalf of the prosecution, appeared W. G. Hall, esq. attorney general, Timothy Jenkins, esq. district attorney of this county, the district attorney of Niagara county, J. L. Wood, esq. and Seth C. Bailey, esq. of Buffalo. On the part of the prisoner appeared J. M. Spenser, esq. and D. Gardner and Alvan C. Bradley, esq. of Lockport.

After the court, bar and jurors had taken their seats, the public generally were admitted to the extent of the capacity of the room, and in doing which a remarkable degree of regularity and order was preserved. Judge White, briefly stated to the auditory the necessity of strictly preserving order and silence, and no disposition was manifested by the audience to disobey.

The trial then opened the circuit court and court of oyer and terminer of Oneida county; and by the direction of Mr. Hall, attorney general, called the name of Theodore Stone, a witness for the prosecution, who not answering, Mr. Hall moved for an attachment against him, which was forthwith issued.

The prisoner, McLeod, was then brought in and placed by the side of his counsel. His appearance indicated a man who had lived well, and felt much at ease.

Mr. Hall then called on the trial of McLeod, and the counsel for the prisoner expressing their readiness to proceed, the prisoner was arraigned and informed of his right of challenge. The jury having been empanelled.

Mr. Hall, attorney general, then proceeded to open the case for the prosecution. He commenced by expressing briefly, but feelingly, the delicacy of his situation and the duty which now devolved upon him and the jury. He next reverted to the great excitement which pervaded the public mind, from one extremity of the union to the other, in relation to the important trial upon which they were now entered; and the evidence of which was before the eyes of the jury, in the living masses which thronged and surrounded the court house. To this excitement it was the duty of the jury and himself to close their eyes, and to know it not, and to seek to forget it.

We shall probably furnish his remarks at large in the next Register. The court was occupied the residue of Monday and Tuesday in the examination of witnesses. The trial will evidently be of great length.

POLITICS OF THE DAY.

LETTER OF EX-PRESIDENT GENERAL ANDREW JACKSON, in reply to resolutions of a convention held in the 9th ward of the city of New York.

Herald, September 11th, 1841.

Sir: Your letter of the 28th ultimo, with its enclosure, the resolutions of the democratic republican mass convention held in the 9th ward of the city of New York, of the same month, have been duly received, and are acknowledged with sentiments of profound gratitude for the honor they confer upon me.

The state of my health, which is now much deteriorated by an attack of fever, does not allow me to express at length the reflections excited in my mind by the perusal of the resolutions. I have, however, I cannot refrain, however, from saying, that they meet generally with my concurrence—and particularly that which gives praise to Mr. Tyler for his veto of the bank bill. If he maintains the position that he has assumed against this great lever of federalism, this deadly foe to the principles of our government, the designs of that party, in other respects will be less difficult to counteract; for the ship of state, relieved of the corrupt influence of a bank of the United States at its helm, will naturally right itself.

It is true, a great error was committed in the repeal of the sub-treasury bill, which may be remedied while there is no bank substituted in its stead. The people care not so much for forms—they go for substance—for practical measures—measures that will ensure economy and accountability in the administration of government; that will make the taxes as light as is consistent with the public safety; that will secure the application of the public moneys, at all times and in all places to constitutional objects. These are the things which it would be the office of a bank to thwart; and they are the things which it would be the tendency of the sub-treasury to promote; and hence, I believe, that that system, or something like it, cannot be long dispensed with.

Doubtless the personal beliefs that the sub-treasury has been condemned by the people, and so believing, he ought not to be censured for giving his sanction to its repeal. But the independence he manifested in the veto, authorises us to hope that he will not be easily led by the whole subject hereafter, and that he will conform to the principles of the Virginia school of republicans.

You are pleased to refer in terms of much commendation to the course pursued by me on the subject of the former bank charter. I acted at the time under a high sense of duty, and derive much satisfaction from the fact that I have received, even from many who then censured me, of the approbation of my country. But, sir, I considered my labor as but the commencement of the work of reform in regard to the banking system. Much higher praise is due to Mr. Van Buren, against whom the whole force of the spirit of monopoly was brought to bear. It has driven that distinguished statesman, and well-pretending patriot into retirement, but it has rendered him dearer than ever to his country, because of the noble sacrifice he has made to the cause of equal rights.

My strength failing me, I cannot follow out these reflections. Every effort to write, admonishes me that my life is nearly spent. Let me conclude, therefore, this hasty and imperfect response to your letter, with an assurance to my republican and democratic friends every where, that I am proud of their respect, and have an abiding faith in the success of their efforts to secure the rights of freedom and equal rights to themselves and their posterity. Very respectfully, your fellow citizen,

ANDREW JACKSON.

Garrit Gilbert, eqs.

INVENTIONS, IMPROVEMENTS, &c.

EXPLOSIVE SHELLS. In your paper of the 23d September, I observed a notice of Dr. A. Jones' detonating shells. In that notice it is stated that Jones had invented a shell which possesses these advantages:—The first is, that it can be fired without exploding in or leaving the gun; secondly, that it shall explode on reaching its destination; and thirdly, that it shall be perfectly safe to handle; and no other inventor, in this or any other country, has ever yet been fully able to attain. "Mr. Barry and myself have invented a new mode of construction," says the notice, "which possesses all the requisites in that of Dr. Jones. The following experiment with our shells, which was made in the presence of Col. Bonford, Capt. Symington, hon. J. C. Calhoun, Messrs. Lewis, Pickens, and many other gentlemen, will prove the utility and the perfect safety of our shells." The shells fired weighed only 7½ ounces. A target was made 12 feet high, 6 feet wide, and 1 foot thick; distance from the gun, 50 yards. Four shells were fired into the tar-

get, splitting it its entire length and breadth, exploding every time. Col. Bonford directed me to fire on Buzzard point, and explode the shell, and also explode one by ricochet shot. These two last were also successful. I have fired these shot with a very reduced charge into a target without exploding them, and Mr. B. afterwards cut the same shot, fired them with a full charge, when they have always exploded. More than one hundred of these shells were fired; different times were fired in the presence of at least five hundred witnesses, and not a single failure. Every effort on my part has been made to bring this destructive shell under the notice of both the navy and war departments, but without success. The largest shell of the size of the one I stand the force of our 43-pounder concussion shells; no steamship could stand the effect of one. To test this shell fully, it would not require an expenditure of more than one thousand dollars, and it is probable half that sum would do it. I am, with respect, your obedient servant.

W. D. PORTER, U. S. N.
[Loring and Nacy Chen.

THE SHRAPNEL INVENTORS. Lieut. Gen. Shrapnel, of the artillery, the inventor of the shells (commonly called spherical case shot), has taken out a patent for a new kind of fowling piece, which, without using caps, may be fired more than one hundred times by merely cocking the gun, and is more secure from going off accidentally, which is always the case when any thing touches the trigger, after the gun is loaded. There is likewise a joint in the stock, by which means the barrel may be elevated or depressed more or less, so as to suit the sportsman, and which may be done in the field by merely turning a screw for that purpose. Likewise a new musket, made to regulate the elevation of the barrel, according to the distance of the enemy, and also a pistol, which makes a good defence against the broad sword.

BRITISH EXPLORING EXPEDITION. Extract of a letter received at Lloyd's, from Hobart town, dated April 17, 1841:

"By the last list you will have perceived the return to this port of her majesty's ships Erebus and Terror, under the command of Ross and Crozier to Nocton official has as yet transpired, but it is generally understood that the expedition has been very successful, and these British ships proceeded eleven degrees further south than the *Astrolabe* or *Zela*, and four degrees more than any other vessel has ever yet reached. The expedition was enabled to discover the position of the south magnetic pole at about one hundred miles distance from thence; and that some extraordinary mistake appears to have affected the calculation of the Americans who approached those regions.

The ships Erebus and Terror entered the main part of the ice, on their voyage of discovery towards the south pole, on the 5th of January last, being then in latitude 66 45 south, and longitude 174 13 east. On the 10th of the same month they described land in latitude 71 56 south, longitude 171 17 east; and coming up to it on the 12th January, they took possession of it in the name of her majesty. The land extends south to degree 79. Proceeding onwards, a large volcano, emitting dense clouds of smoke, was observed on the 26th of January, in latitude 77 31 S. longitude 167 36 E. On the 2d of February they reached to the utmost extent of their voyage, viz: latitude 78 30 S. longitude 173 12 W. and were surrounded by icebergs 150 feet high, and by fields of ice, which were traced as extending 300 miles to the eastward.

"The expedition penetrated about four degrees further south than the American or French discovery vessels, although the course of the voyage it was considerable. The correctness of many of the spots laid down in the charts of the former, they also discovered one single error, viz: the existence of water over a large space described as land, and which the Erebus and Terror actually sailed over for a considerable distance, leaving the land three hundred miles from the latter's laid down in the American chart. It is said that the sea in this direction abounds in seals and sperm whale. Not a single casualty occurred among the crews, and the vessels reached Hobart town in safety, where they will remain till the season arrives for further operations."

The duke of Bordeaux has met with the accident of breaking his leg, by his falling from the window him. It was at first apprehended that he would not recover, but later accounts from him were more favorable.

There have been serious disturbances at Toulouse, in opposition to the government taking the census. The citizens closed their houses and refused to allow the officers to progress for fear their taxes would be raised. The national guards had to be disarmed.

REMARKABLE DISCOVERY.

Colebrook, Conn. September 24, 1841.

For several years past I have been in the quiet little town has been in quest of a "cannon-hole" in consequence of a rumored discovery of a large cavern in the northwest part of the town, bordering on Massachusetts. I at first supposed the story to be a hoax, and treated it as such, but, being assured to the contrary, by a respectable neighbor who said he had seen the cave, I was induced to visit the place several times, and have had ocular demonstration of the truth of the report. It may appear incredible that a great cavern should have remained so long unknown in this inhabited region, but it is nevertheless true. It is probably large, but how large is not known, as it has been explored but about a quarter of its extent. I have been in it, and who ever heard of its existence before. I have agreed with a number of my neighbors to explore the cavern as far as practicable, and I propose, with your permission, to give the result of our researches from time to time, through the medium of your paper.

The mouth of the cavern is in the arm of Mr. J. Randall, in the northwest part of the town, within a mile and a half of the Massachusetts line. It is a barren, rocky, unfrequented spot—a projecting cliff, of craggy rock full one hundred feet high, hangs over it with an aspect so threatening as to daunt the courage of the best daring climber. It does not fall over one can tell. It seems to stand against all the known laws of gravitation.

It is called the "Witch's Retreat," but why I know not. When I was a boy, my father lived within one mile of this place, and I have spent hours with other boys, climbing over the rocks, and up the side of this precipice. The mouth of the cavern, at the bottom of the precipice, is covered with a huge mass of rocks which have evidently fallen from the cliff above. Some of them are very large, and from their size and form one may easily discover the place from which they fell. There was nothing in the general appearance of the place, that induced me to look for such a cavern, and one might clamber about there a week and not suspect such a thing. The only opening was under a large rock, and scarcely large enough for a boy to crawl into. It could only have been discovered by accident, as it was.

Two weeks since, Sabbath, one of Mr. Randall's boys, a bold, adventurous little fellow, and two other boys, a bold, adventurous little fellow, and two other boys, scarcely less so, wandering about the fields for pastime, came to this spot. While they were amusing themselves by climbing about and hiding among the rocks, one of the boys, without knowing why, put his head into this hole under the rock, and shouted "halloo!" He called out, and the boys, who were with him, called his companions. Each in turn, put his head under the rock and made some noise, which resounded like the response of an hundred voices. Boys though they were, they had hallooed into too many cisterns and vaults not to know that such reverberations indicated room inside. The young Randall proposed they should go in and see what discovery they could make. This the other boys declined doing. But young Randall, nothing daunted by the fears of his comrades, boldly declared he would go in alone. He crawled in about eight feet, when he found there was room enough to stand upright. A few straggling rays of light found their way between the rocks, not sufficient to discover the dimensions of the place he was in. He seemed to feel, however, that he was in a large place, as a man blindfolded will feel the difference between a small room and a large one. He uttered a loud shriek with a view to frighten his companions outside, and to terrify them, and to terrify it only frightened himself, and he came out much quicker than he went in. This was a discovery just suited to the adventurous dispositions of these boys, and they resolved to make the most of it. Before they parted, they agreed to keep the thing a secret from all others, and to return on the next Sunday, prepared with old clothes, matches, a lantern, &c. to explore the "new cave," as they call it.

The next Sunday they repaired to their rendezvous, accoutred according to agreement, and provided with the necessary implements, they prepared to enter. Boys, like men, will rarely acknowledge a want of courage, but as each accused the other of being afraid, he concluded they were all half frightened out of their wits, so it had occurred to them that this place was called "the Witch's Retreat," and this cave might be full of wretches. But with some hesitation and many misgivings, they at length entered. With lantern in hand, they proceeded to explore, and found good cause to keep in sight of the hole by which they entered. Having gone about ten rods without meeting with any boundary to their cave, and their small entering place beginning to grow dim in the distance, they judged it prudent to venture no farther. The cavern was now very dark, and they were in the dark, and they concluded to confine the secret to older and wiser

The gentleman tells us that the president objects to the feature of the bill which, in his opinion, authorizes local discounts; and then triumphantly turns to the project submitted by the secretary of the treasury, which authorizes the same thing, and charges the president with inconsistency—avowing, as the gentleman does, that the plan emanating from the secretary was approved by the president. Now, sir, I deny that the details of the plan submitted by the secretary of the treasury ever were approved by the president, and I call upon the gentleman for proof of his assertion. But, admitting, for argument's sake, that the president had approved of the plan, the president, and taking the gentleman's statement that it was a national bank with all the powers necessary to such an institution—to deal in exchanges, foreign and domestic—to discount local paper, &c. I ask the gentleman why that plan was immediately rejected? Was it pronounced a "poor rickety affair"? Why, if you were so anxious for a bank, did you not at once accept of this plan? It had, you confess, all the powers and privileges of a national bank. The gentleman may say that it required the assent of the states to establish branches, and therefore was objectionable. Well, sir, that objection has long since passed. But it may be said that it only asked consent by indirection, or that it merely seemed to ask the consent of the states, but in reality asserted the power of congress to establish branches. Then, sir, it was no *compromise*, as you have again and again asserted. It was a national bank, and it required the assent of the states, and therefore did not respect the president's objection; so that, take the question in either light, the gentleman is at fault in his charges. Sir, he can give us, if he will, the reason for rejecting the project of the secretary, and for pressing these two bank bills on the president with so much haste.

The first bill that passed all acknowledged to be a most excellent one. I voted in favor of it. Several of the most prominent whigs in this house voted against it. Not a single one approved of the bill. I can well understand, sir, how unwilling its framers were to make an issue on the fate of that bill. It was, therefore, necessary to frame another. And even before it went to the executive, the gentleman predicted that it would be vetoed. It could be vetoed. He openly avowed this opinion on the floor; and said that when the veto came, he, for one, would speak freely of the president's course.—And, sir, he has done so to-day. But how came that gentleman to know that the president would veto the bill? He appears, sir, to have been an excellent executive. I do not know that the bill was so palpably objectionable, that it could not be vetoed.—Or, sir, was it framed with a view of "heading" the president? Sir, if the gentleman will not dispel the mystery hanging over all this bank business, I will. The whole session has been passed in "president-making." I told you so a few days since. I tell you so again.—And I repeat that, from the first meeting of congress up to this hour, there has been a determination on the part of some gentlemen to create an issue with the president. His constitutional principles, well known and openly avowed, have been sneered at, and under the pretext of avoiding them, the most absurd and evasive propositions have been presented to him, with a full knowledge that they could not receive his sanction. In the expressive language of the gentleman, there has been every means used to "head him"—to make him sign a bill which neither his conscience nor judgment approved, and thereby to violate his long-cherished principles, and subject himself to the scorn of the good and virtuous, or, by refusing his assent, to become an object of abuse and misrepresentation for those who hate him, and look upon him as standing between them and the objects of their ambition. Why, sir, even this day, the gentleman from Virginia, when speaking of the president, proclaimed as his motto, "head him, or die." It evinces the inveteracy of his opposition. He may choose what motto he pleases. I admire neither the inscription on his banner nor the object for which he struggles. I tell the gentleman, beware of the people. They fought under another banner than that of Virginia. They are not willing that, while they play this desperate political game, their interests, their principles, their honesty of purpose, shall be sacrificed or forgotten in the heartless schemes of ambition. They did not send us here, sir, to plot and counterplot—to mine and to dig for the president's political ruin. I do not send us here to pass our time in concocting schemes to "head" the president. And I think when we return home they will inform us that it is not a fitting employment for legislators and statesmen. I know, sir, that it is difficult for the people to understand the order and course of legislative proceedings. I think that they will deliver judgment, I fear not their verdict on the matters now agitating and exciting the nation.

I, sir, have but one object in view—a sincere desire to perform my duty, to do justice to the president, to maintain the principles for which I have contended from the days of my boyhood, to produce harmony and union amongst those with whom I have so long been associated, and to include concession and forbearance in lieu of the unfortunate spirit of strife and enmity now so lamentably palpable. I shall, therefore, give briefly what I conceive to be an analysis of the message now before us. The president says that he cannot conscientiously approve of local banking, and to include concession and forbearance which he has sworn "to protect, preserve and defend."

Admitting that the veto power ought to be exercised with great caution, and as a "conservative power," yet the president justly says that no alternative is left to him, if the bill presented is to his mind clearly violative of the constitution.

He considers the constitution of the U. States as the "embodied and written will of the whole people," unanimously adopted, and prescribing to the public functionaries imperative duties.

He considers that this bill which professes to establish an agent of the government purely national, grants powers not required for the operation of the government, and at war with the constitution. He objects to the power granted with local discounts as unnecessary to the fiscal operations of the government, and as subjecting the public funds to loss, and to improper uses by the officers of the institution. He contends that the permission to discount is without limitation, or time unlimited, with power of renewability unchecked, and at rates of interest unrestrained, are powers improper to be granted, and liable to be grossly abused, not only injuriously to the government, but to the people. He contends that the power to deal in this kind of discount is absolutely to all the banks of the local discount. He denies the power assumed by congress to invest a local institution with general or national powers. He contends that, under this bill, fictitious bills of exchange can be drawn without limit, whereas all operations in exchange ought to be based upon a real and substantial basis; in other words, he is anxious to destroy all the operations of the institution to true business transactions.

He considers that the bill would have a tendency to postpone indefinitely the resumption of specie payments by the banks. He contends that an institution which is to continue in operation for twenty years, to enjoy the same privileges, to be subject to the same, which, irrevocable, ought not to be thus liable to objection, and that it would be over hazardous to pass such a bill into a law.

The president regrets the differences of opinion existing, suggests that the matter be postponed, and says that, at the regular meeting of congress in November next, it will be his duty, under the constitution, to recommend such measures as he shall judge necessary and expedient. These, I believe, are the leading points in the message; and, sir, I have no doubt but that the president, through the secretary of the treasury, will, at our next meeting, present a message which, availing constitutional objections, will answer all the purposes of the government, regulate, incidentally the currency and exchanges, and receive the sanction of congress. But, sir, if the spirit manifested here to-day is fostered and encouraged—if, instead of courtesy and kindness, we are to hear taunts and threats and denunciations—give up all hope of success from the late contest. The victory so hardly achieved. I consider, sir, the speech delivered this day by the gentleman from Virginia as calculated to do much mischief by its excessive violence and personal allusions. And even a conciliatory language used by the executive has been misinterpreted, and resulted at times to the gentleman, alluding to it, says that the president winningly asks of congress "compassion and forgiveness." Sir, there is no such language made use of in the message; the gentleman must know this. There is nothing approaching it. Then why attribute to the president such humiliating and unbecoming language? It is not only extremely reprehensible and grossly unjust, but tending to place the executive in a false position before the country. The gentleman must know that thousands who peruse his remarks will impute from them false impressions, and surely he could not wish that.

He will now proceed, Mr. Speaker, to investigate the charges of a personal character made by the gentleman, regretting sincerely the necessity I am under of engaging in such unprofitable discussion.

I wish to call the attention of the house and of the country to one particular feature of the charge of the gentleman from Virginia. The gentleman preferred against the president. He says that this is not the first time that John Tyler has been thus charged, and the charge proven. He says that John

Tyler was elected to the senate of the United States in 1827, over John Randolph, by an act of perfidy. I will not stop, sir, to defend the legislature of Virginia from this odious imputation on their honor; I leave that to its honorable representatives of both parties. The gentleman from Georgia (Gustavus) has already expressed his indignant disbelief of the assertion. But, sir, what must we think of the open declaration made on this floor by the gentleman (Mr. Borrs) that he, having been benefited politically by the treason, ought not to complain of the traitor? Sir, this is a startling and astonishing avowal of a strange species of political morality. Has he not been elected on evil times, when such an attitude could be openly made in an American house of representatives? What, sir, the beneficiary of treachery and treason announcing to the world that treason, and openly admitting that he ought not to complain, because the political benefits derived from that treachery inured to himself and his party? Sir, however much I must regret to hear such language made use of in this house, still, if it is to be used, I am glad that it has been done in this open manner. It carries upon its face a refutation. The avowal of the gentleman is "open" and "public" and "in the face of the world" against this and similar charges. Sir, the gentleman read us an extract from a pamphlet to prove this allegation, but he favored us *not* with the name of the author. It may be that it is one of those anonymous productions of party malignity or personal pique so often sent abroad to excite animosities and stir up place and power. A pamphlet, sir, is the gentleman's evidence against John Tyler, who has been in political life for thirty years, and who has filled all the highest offices in the gift of his native state and of the nation. Why, sir, the gentleman can find pamphlets and levers, and newspaper productions charging Treachery, Washington, and the president and treachery, Jefferson with corruption and perfidy, and our beloved Harrison with delinquency and treason, and base poltroonery. And does not every honorable man look upon these vile effusions with loathing and contempt unutterable? But, sir, I shall now call upon the gentleman to explain to the country how it is that he has been the constant, ardent and ardent supporter of John Tyler, ever since the act of treachery which he says was perpetrated in 1827? I say, sir, that the gentleman, when a member of the legislature of Virginia, voted for John Tyler for the senate of the United States, long after this act of perfidy, as the gentleman now avers, had been proven.

[A voice here exclaimed, "Is it possible?"]

Mr. PROFFER continued. Yes, sir, it is possible; the gentleman did vote for John Tyler for the senate of the United States. He can deny it if I misrepresent him. He used every exertion to secure the election of that man, who, as he now says, was guilty of perfidy years before. And, sir, this is not all. The gentleman voted for John Tyler as vice president at the late election. He was one of the most active and efficient supporters of the man, who, in 1827, as he now asserts, was guilty of treachery.—But I have not yet done with the gentleman. He was a prominent member of the whig central committee; composed of members of congress, which committee, upon more than one occasion, vouched for the purity of the characters of Gen. Harrison and John Tyler. Sir, if he knew of John Tyler's perfidy, he is responsible to this nation for not avowing that knowledge previous to the election of that man, who, as he has been faithful to his trust in supporting him. And, sir, he has been inscribed upon the whig banner as one without spot and without blemish. But I have still another evidence to rebut the gentleman's charge of perfidy, and that evidence has been furnished by himself to-day. He read to this house a letter addressed by him to the president, sealed "private and confidential," in which letter he expresses feelings of friendship and sentiments of regard towards him. It was written, sir, during the time the first bank bill was in the possession of the executive. He informs the president in that letter that if he vetoed the bank bill the president "would immediately resign, and that he (the president) could not refuse to resign." And, sir, if he, the gentleman really believed the president capable of perfidy, how comes it that he is in private and confidential correspondence with him within the last few weeks? What becomes of his professions of friendship voluntarily made public in this house? Sir, the gentleman has been guilty of treachery, and of the spirit which actuates him who makes the charge. But another feature in this matter has been exposed by the gentleman. He tells the president in his letter, thus fortunately given to the public, "that if he vetoes the bank bill his cabinet will immediately resign, and that he cannot form another from the whig party."

Now what becomes of the charge made in this house and in the other end of the capitol, and in the

public press, that a cabal was here formed, the object of which was to break up the whig party, dissolve the cabinet, &c. It appears, sir, by the gentleman's own letter, that the scheme of dissolving the cabinet was agreed upon by himself and his friends; and not only that, but that the president shall be prevented from forming a new one composed of whigs. And now, sir, who constitute the cabal? Who is it that charges the president with a desire to form a coalition with the opposition party, and yet openly avows that a cabal of his friends and associates, the gentlemen of the whig party? Can it be possible, Mr. Speaker, that a plan is determined on to compel the president to call gentlemen of the opposition into his cabinet, that an opportunity may be afforded for denouncing him, and thus to add to the gross injustice already done by the president's action? If so, I tell gentlemen their scheming is vain. They can not drive the president from his determination to maintain his position, and in purity and honesty to administer the government upon the principles on which he came into power.

Having thus hastily glanced, sir, at the relative position of the gentleman from Virginia and the president of the United States, I call upon the gentleman for his proofs of the charge of perfidy. Proof, sir, I demand, in the name of justice; proof I demand in the name of the country.

Mr. BERRY said that if Mr. PROFFIT would give him the remainder of the time to which Mr. P. was entitled, he would give proof.

Mr. PROFFIT continued. No doubt, sir, but the gentleman would be glad to take the floor from me. No doubt but he would rejoice that I should cease to hold him to proof of his charges. He would, I presume, read us some of his newspapers, and quotations from pamphlets. He, sir, has had possession of the floor for an hour, and although he opened with a declaration that he possessed undeniable evidence, still, sir, he failed to present any thing but a pamphlet and a quotation from the *Richmond Enquirer* concerning a dinner Mr. Giles, neither of which approached the allegation of perfidy. Sir, let the gentleman hand me his proofs and I will read them to the house, and here, unprepared as I am, undertake to refute them. Sir, there is not the slightest evidence against John Tyler. He was elected to the senate because the legislature of Virginia, well known for its honesty and its patriotism, decided that he would honor his native state in the high office to which they called him. He received many votes from those who differed with him politically, but that, sir, is proof of the high character he maintained even with his political opponents. You and I, sir, have received, when candidates, many votes from those who differed with us in politics, and we even dream of being charged to that account with perfidy.

Leaving, then, the gentleman to reconcile his support of Mr. Tyler with his charge of perfidy, and also to settle with his own conscience for having made the charge unsupported by proof, I proceed to notice another statement made by the gentleman.

The gentleman has said that an offer of support was made to the president by the opposition party, through the *Richmond Enquirer*, if he, the president, would abandon whig principles, and the gentleman quotes a letter from Mr. Ritchie on the subject of the bank. He then proceeds to charge the president with having accepted the offer, and that, as proof, Mr. Tyler's perfidy to his party, the fact of Mr. Lund Washington and some dozen other clerks being reinstated in the general land office, after having been dismissed by the secretary of the treasury. He says that the clerks immediately presented themselves to the president, and declared that although they were hostile to General Harrison, they were the principles of the whig party, still they were good Tyler men." He says that, upon this statement, they were forthwith reinstated. Again, sir, I call upon him for proof. Give me the proof, sir, that the president reinstated these clerks because they were his friends.

[Here Mr. BERRY said he would, and whispered in Mr. PROFFIT'S ear.]

Mr. PROFFIT continued. Sir, the gentleman whispers in my ear. He loudly prefers charges, and then whispers proofs. Let the gentleman tell this house—let him tell this country—not whig-per to me, sir, what the house may think on answer to my call. Sir, in justice to the president, let him prove his charges in the face of day. I deny this accusation against the president. He never reinstated Mr. Washington at all. That gentleman never was, in truth, formally dismissed. He received notice that his services would be dispensed with, and he asked the commissioner of the general land office for suspension of his order, that he might have time for intercession. Time was granted him, and the president requested the commissioner to suspend action in the case of the clerks, and the commissioner acceded to the president's request;

but he never interfered with the authority of the proper officers of the treasury department, and I refer the gentleman to the commissioner to sustain the statement I have made. Now, sir, what becomes of this charge? The gentleman will relieve me from an unpleasant situation by telling the house what he whispered to me. If it be a secret, he ought not to have told me. If it be not, let the world know it. Open charges should not be made on secret information, and yet, sir, a grave charge of perfidy to the whig party is based upon such shallow authority as this.

I call, sir, upon the gentleman from Virginia for proof of another charge made by him.

He says that the president, "inspired by a mad ambition, and with a view to secure his own re-election, had detached himself from his party and his friends, and thrown himself into the arms of the opposition." Sir, where are the evidences that the president has ever declared a wish for re-election? Where has he given cause for the accusation that he has thrown himself into the arms of the opposition? I call upon the gentleman for proof. He offered none on this floor; he is silent now, sir. Then I call upon the gentleman to prove the charge. He says the president ever made overtures to you for support. Has he ever made a proposition to you, either individually or as a party? (Numerous voices here answered, "Never; never.") No, sir, never has John Tyler for so long a time forgotten the principles on which he was elected, as to duty to his country. The gentleman says that he has been visited by opposition members. Yes, sir, his house has been as open as his heart. He has treated all men, whigs and opposition, with kindness, with courtesy, with hospitality; and for this, he is charged with going over to the opposition. This is his sole offense.

Show me, sir, where he has abandoned whig principles. He rejected the bill providing for the distribution of the proceeds of the public lands, the loan bill, the revenue bill, the bill repealing the sub-treasury law, the bankrupt bill, the home squadron bill, the fortification bill, the navy appropriation bills, and every other measure passed by the majority here, and yet he is charged with having abandoned whig principles. He has recommended and practiced economy. In the language of Mr. Harrison, he has "struck the fetters of party from the hands of the office holders, and encouraged freedom of thought and liberty of speech." He has appointed no hawking partisans of his to office. He holds every department of the government to strict accountability. No delinquency is suffered to escape his searching investigations. The Florida war is, in it, it is a credit to the management of his administration. He gladly takes upon himself all the responsibilities attendant on his station, and recommends openly and plainly such measures as he deems beneficial to the country. No pretension, no evasion, no scheming for a continuance of power, no party presses supported from the public treasury, no violations of law, or attempted avoidance of it; and yet, sir, he is accused of abandoning whig principles, because he conscientiously differs with congress on the character of a fiscal agent of the government, an agent which will meet the wants of the nation. I say, sir, that the president feels as deeply and sincerely on this subject as any member on this floor.

[Mr. MARSHALL, of Kentucky, asked Mr. P. if he would tell the house what the president was in favor of.]

Mr. PROFFIT said: I, sir, am not authorized to speak for the executive. I do not pretend to be an expert in his particular views; but, sir, if I understand them, he is in favor of the same measures, striving for its object the collection, safe-keeping and disbursement of the public money, and which shall be free from all constitutional objection. I hope, sir, that this explanation is satisfactory to my friend from Kentucky. (Great laughter.)

Mr. BERRY asked Mr. P. for the proof.]

Mr. PROFFIT said, sir, he has been prepared to show the gentleman from Virginia, I refer to the message of the president; there he will find his opinions openly avowed. And, sir, it is identically the language used by Gen. Harrison on more than one occasion, and which I referred some days since, and should I have time will again refresh the memory of the house by quoting.

If the gentleman from Virginia is at a loss for proof for this charge I will proceed to another, and it may be that he will be better fortified on his next point.

He says that a similar charge of treachery was preferred against Mr. Tyler some three years since, and so unpopular did it render him that he could not remain in the state; and in confirmation of this fact, that the Virginia delegation at the Harrisburg convention did not vote for Mr. Tyler. Now, sir, every person

on this floor knows that he was nominated by the unanimous vote of that body, not only without any wish on his part; but in direct opposition to his expressed wishes and remonstrances—the Virginia delegation, out of motives of delicacy, remaining silent on the subject. The gentleman says that "the Virginia delegation could not go back and tell the people they voted for me, yet they voted for me." He responded to *that*, enthusiastically. John Tyler's name was echoed in praise by every whig, and even his political adversaries spoke of him with respect. And, sir, such a man was supported warmly by this very gentleman, who has now so many charges of criminal delinquency against people, who would not vote for him for the most insignificant office as he asserts, voted for him for vice president of the United States. Wait, sir, until the gentleman's speech reaches Virginia, and you will receive an indignant denial of this charge from the Barbour's, the Leighs, and other noble sons of Virginia who represented that patriotic state in the convention at Harrisburg. You will see, sir, whether the thousands who voted for John Tyler for vice president considered him the perfidious traitor the gentleman seems to intimate. But, sir, I am unwilling to do the gentleman injustice. He has the same sentence of proof to sustain this charge, I will pause to read it, and then, because, I pass on to examine some other of his statements.

The next is rather an insignificant one, but it will serve to open the eyes of the people to the system of warfare urged upon the president. The gentleman says that the president during the canvass avowed sentiments "entirely different from those now entertained by him, and that a letter proving the fact is in the possession of a member of this house, and ready to be produced. Sir, I was happy to hear this. It looked like fairness. I waited anxiously to see that letter, and was certain that it would be forthcoming, particularly as it was in the house when the gentleman was in the presence of the house, and it was produced. Now, sir, I demand that the letter be read to the possession of the gentleman? Who has it? What, all mute? The letter on this floor, sir, and yet, when challenged to produce it, a guarded silence reigns among those so clamorous in charges! Well, sir, the members of this country must judge of these things.

The president is charged, sir, with a desire to possess not only the sword of this nation, but also the purse. That is to say, he wishes to combine in himself powers inimical to the free institutions of the republic. This charge is based upon the fact that, by the repeal of the sub-treasury bill, the custody of the public money was placed in the treasury of the U. States, no bank bill having been passed. The president is accused of having signed the bill repealing the independent treasury law and of having vetoed the bank bill with a view of obtaining the custody of the public money. Sir, what an absurd accusation! First, your public purse is empty; the government has no money. Second, the president has not daily made up to it, and as for the sword, I know that the president cannot call a single man to his service without authority from congress. But since this matter has been broached, I, sir, will give the causes which led to this state of things.

Immediately after the passage of the sub-treasury bill, a motion was evinced to veto the bill, and it was at the earliest day. The distinguished senator from Kentucky (Mr. CLAY) introduced a bill for that purpose. It was hurried through the senate with an avowal that it must go to the president and receive his sanction on the fourth day of July—the very day on which the bill was to be referred to the president of the late executive. It came to this house, was referred to the committee of ways and means; but on the next day it was perceived that a blunder had been committed, and the bill was sent to the finance committee. There, sir, it remained for weeks; the fourth of July passed, but not a word was said about the bill. A sudden change had taken place in opinions. There was a rumor that the bank bill of the senator from Kentucky would not receive the executive approval. The managers went to work, and shortly afterwards we were informed that the repeal of the sub-treasury bill was to be tacked on to the bank bill, so as to send both to the president at once, and force him to veto both together. This, sir, was a political move. Despising subterfuge and unfairness as I do, sir, and as I have always done, and scorning indirect legislation, I called upon the chairman of the finance committee, on at least a dozen different occasions, for his reasons for withholding the bill. The public press commenced a warfare on the unfairness of the procedure, and at last it made a reluctant appearance in the house, but was laid upon the table. Still the fate of the bank bill was undecided. The bankrupt bill was taken up and discussed, evidently as a dilatory maneuver, as giving time to operate upon other measures. One morning

you decided that it would be very improper to take it out of committee of the whole the next day at four o'clock. The next morning, at ten, you decided that it would be proper to end the discussion at four o'clock of that day. At half past eleven you again decided that it would be improper to take the bill out of committee at four o'clock. Suddenly, at twelve o'clock, you postponed the consideration of the bankrupt bill, and took up the bill repealing the sub-treasury law. The "previous question" was speedily called, the bill passed under its operation, and then we heard the exulting cry, "we have the president fastened now; he cannot vote the bank bill and sign the repeal of the sub-treasury; that will leave the public money under his control, and we will charge him with having in view object." Well, sir, the bank bill has been voted, and the result is as anticipated. I can talk that "union" and "republicanism" and sword," declaim about monarchical powers, and accuse the president of being the cause of a state of things which your legislation produced, and purpose to aimed at.

"Think you, sir, that this shallow harlequinade, this political vice-working, will deceive the people!—Think you that their good sense can be imposed upon by such juggling artifice? No, sir, your pretty address will not. I ask you, sir, whether you have not your time to talk about purse and sword, all will fail you before the keen eye of an intelligent constituency. So much for this charge; and really, sir, am fatigued with following the tortuous maze of inconsistencies which gentlemen induce themselves by their attempts to prejudge the people and to mislead the nation. I have no more to say, but I have a few observations and assumptions against the executive. I have, I believe, answered the prominent charges made by the gentleman from Virginia. I shall not notice his remarks about the conversations he has had with the president, on steamboats and at private interviews. I could make many important observations on this subject, but I have no time to do so out of this house. But, sir, I never refer to private conversations. I consider it improper, as tending to lower the character of our public debates.

On a former occasion, sir, I took some pains to portray correctly the principles of the whig party, as avowed previous to the late election. I traced the opinions of General Harrison on the subject of a bank from 1822 to November, 1839; and I gave extracts from his letters, circulars and speeches, all going to prove that he considered the question of the constitutionality of a national bank as an open question; and that his own convictions were, that the establishment of a bank was unconstitutional, "unless it was necessary to the collection, safe-keeping and disbursement of the public money;" and I will again quote a short passage of his letter to Sherrod Williams, when speaking of a bank:

"The question, then, for me to answer is, whether, under the circumstances you state, if elected to the office of president, I would sign an act to charter another bank. I answer, I would, if it were clearly *ascertained* that the public interest, in relation to the currency, would be promoted by the establishment of a bank, and that the people would be materially suifer without one, and there were unequivocal manifestations of public opinion in its favor. I think, however, the experiment should be fairly tried, to ascertain whether the financial operations of the government cannot be as well carried on without the aid of a national bank. If it is not necessary for that purpose, it is needless to me that one can be established, and I should be inclined to *authorize* what I can give the constitution which would *authorize* it, on the ground of affording facilities to commerce. The measure, if adopted, must have for its object the carrying into effect (facilitating, at least, the exercise of) some one of the powers positively granted to the general government. If others flow from it, promoting the same advantages as the main power, so much the better; but these cannot be made the ground for justifying a recourse to it.

"The excitement which has been produced by the bank question, the number and respectability of those who deny the right to congress to charter one, strongly recommend the course above suggested."

Again, sir, in his Dayton speech, made September 10, 1840, he said:

"My opinion of the power of congress to charter a national bank remains unchanged. There is not in the constitution any express grant of power for such purpose, and it could never be constitutional to exercise that power save in the event the powers granted to congress could not be carried into effect without resorting to such an institution. Mr. Madison signed the law creating a national bank because he thought that the revenues of the country could not be collected or disbursed to the best advantage without the interposition of such an establishment. I said, in my letter to Sherrod Williams, that, if it was plain that the revenues of the union could only be collected and disbursed in the most effectual way by means of

a bank, and if I was clearly of opinion that the majority of the people of the United States desired such an institution, then, and then only, would I sign a bill going to charter a bank."

I ask, sir, the excuse of the house for again citing them to these opinions; but really there is such an evident attempt to mystify and mislead the public mind that I think it proper to place the declarations of Gen. Harrison, under which he was elected, prominently before the people.

I alluded also to the same expression of opinion as having been made by very many prominent and distinguished gentlemen of the whig party during the late contest. Since then, sir, other evidence has come to light, and I will give you a letter written by Mr. Ewing, the present secretary of the treasury, and published previous to the election. It goes to prove that even he did not wish to make the question of a bank an open issue at the late canvass.

*From the Marietta Intelligencer (Whig) of July 30, 1840.
Lancaster, July 18, 1840.*

MY DEAR : On my return from Columbus this evening, I received your letter informing me that it was asserted at a public meeting in Washington that "our government is a monarchy." I would have been glad to have been present at the meeting, but the true question between the parties was a bank of the United States, and that you, from a knowledge of the *real* question and of *me*, had contradicted the assertion. In this, of course, you were perfectly safe, and I am glad that you were. I am very glad to have ascertained that the true question was and is the *restriction or extension of executive power*. That its encroachments, open and covert, were of the most alarming nature, and if not resisted must end in the subjection of all that is sacred to the representative principle of our government, that a dangerous anarchy, in effect, if not in name, must rise on its ruins. I said that our opponents were attempting to make the question of a bank the issue between the parties. I spoke of the *impudence and absurdity* of the attempt, and of the *folly* of those who were so easily deceived by us any thing more than a mere matter of convenience—a useful article of furniture in our noble edifice. That our opponents were gravely raising and debating the question whether this article of furniture had a *table or a settee* standing in our halls, while their suppers and miners were at work tumbing its walls and columns about our ears. This, with amplification and illustration, is the substance of what I said to you that particular object. You perceive, that you did not make a mistake in your opinions or in my language.

Your sincere friend,
L. D. BARKER, esq.

This, sir, shows you that the issue was avoided even by many of the most ultra whigs.

On the occasion alluded to, I gave the recorded opinions of John Tyler in 1819—his vote against the bank in the senate in 1832—his open declaration in the "Henrico letter" a few months previous to the election, and his correspondence with Henry Clay, in relation to the subject of a bank. I merely allude again to these opinions as a defence of the president from the charge of having concealed his opinions; and I now say that I believe the president will yet convince even the gentleman from Virginia that the president is not in the least inconsistent in appointing an agent of the government, according to the plan of Gen. Harrison, which shall have for its object "the collection, safe-keeping, and disbursement of the public revenues, and which, in the event of a rebellion, shall regulate the exchanges and currency of the country."

In opposition to the recorded votes and opinions of the president during a long life, the gentleman from Virginia gives in evidence a conversation had with him on a steamboat, and an extract from an editorial in the *Washington Post*, and an editorial in the *Washington Herald*, all of which are in the possession of the gentleman from Virginia. It is open, avowed enmity. There are other and more dangerous enemies whom the president has encountered in his public life, but he has never been able to profess friendship, and secretly striking at his fair game. Men like Machiavel, of whom it has been forcibly said, "he could not comprehend how a man should scruple to deceive him whom he does not scruple to destroy." He would think it madness to declare open enmity to a man, and then to attempt to win him by friendly embrace, or poison in a consecrated water.

These are the men, who, faintly exclaiming, "I think he is honest," chuckle at the venomous effusions of hireling writers, and the ruffian attacks upon the public and private character of the executive.—They, sir, it is who encourage these burnings in effigy and other scandalous exhibitions of the depravity of human nature.

And, sir, these men even condescend sometimes to take abusive notice of the friends of the president—

Wise, gallant, highminded gentleman from Virginia (Mr. Wise) and his colleagues (Messrs. Blair and Loring) and others, and even my humble self. I, sir, have been most shamefully misrepresented and vilified in the press, and the feelings which my feelings have been repaid by bitter denunciations, allude to this treatment in no spirit of complaint. I have too proud a heart for that; I laugh at such petty malice and impotent clamor; and when I say I laugh at it, I express but a small portion of the utter contempt I feel for it. For the wretched scribblers who have thus abused me, I have no words but to rebuke their mouths and a bribe in their pockets, stand ready to denounce any one, I spit upon them, as I would upon their masters had they courage to avow themselves the owners of such slaves. Sir, I should occupy more than the time allotted to me, if I were to notice a title of the slanders which have been published against myself and the gentlemen with whom I am proud to act. We have been charged with abandoning our principles. I deny it. I, sir, am standing where I have always stood. We defend the administration to place which in power we have battled through years of toil and gloom. And for what are we abused? For defending and supporting the administration of a man whose name I honor, and who, sir, by those gentlemen who opposed us in the late contest, no, sir, but by those who, professing to be friends of the administration, vilify us for defending it! Forgetful of every thing like principle themselves, our assailants insolently lecture us because we will not allow ourselves to be run in ruin. And what are these self-constituted leaders? Are they then to assume to be the special oracles of the great whig party? Men, sir, who never soiled a point of their caubric ruffles to the late fight—men who never spent a farthing to advance the cause, or gave a moment of their life to the great conflict. Stretched supinely in shade, they have seen others toiled and sweat in the path to the harvest field. And now they come into this house, like sea-weed on the beach, by the tossings of the political tempest raised by my friend (Mr. Wise) and others such as he. These are the men, sir, who command that we stultify ourselves, unthink ourselves, and worship in blind obedience the idols which they have made. And now they demand our adoration. They say we must denounce every man because we will not join in the imprecations they heap upon the executive, and because we will not, forgetful of the duty we owe to the whole country, command an electioneering canvass for the next presidency in behalf of their favorite candidate. I, sir, for one, will pledge my name to no man. We have no business to be the tools of the passions of a party, but we are devoted to honest legislation for the good of the country.

But, sir, we are told that we do not stand by the party, and that the president does not go with his party. The executive, sir, has no party: he ought to pave none. He is the president of the nation, and it would be well for these gentlemen to recollect the language of the venerated Harrison. Methinks I see him now, sir, his grey hairs streaming in the wind, as, with uplifted hand and eyes upturned to heaven, he exclaimed: "Here, in the presence of this multitude, in the sight of heaven, I vow to know no party, and to devote myself to the good of the country, the whole country, and nothing but the country." And yet gentlemen wish the executive to be merely the representative of a party. That, sir, he will never be.

I should, sir, be glad to meet any gentleman on this floor who would undertake to assert that I have departed from any principle advocated by the white party during the late contest, but I shall forbear to canvass that matter here. It would imply that I held myself accountable to this house for my course, which I do not. But, sir, I have a constituency to whom I am responsible, both parties of which I am ready, any day, to defend. I shall, therefore, how to approach the independence of action, singleness of purpose, straightforwardness and liberality of sentiment. They, sir, know me, and on that knowledge I rely with unshaken and unwavering faith.

[A note appeared in the *National Intelligencer* of 25th September, from Mr. BORRIS, in which that gentleman *denies* that certain parts of the language employed by Mr. PROFFIT, in the foregoing speech, was uttered upon the floor of congress, but charges it as having been subsequently prepared by that gentleman in his closet. Mr. B. admits, in this note, that a part of his own speech as inserted in the last number of the Register, was not delivered upon the floor—for want of time.

In the Intelligencer of the 29th, Mr. PROFFIT replies to the foregoing note. He in like manner admits that his reported speech varied somewhat from the one delivered by him, but he disputes in regard to the part cited by Mr. BORRS.]

CHRONICLE.

AFRICANS OF THE AMISTAD. Those who have charge of the crew of the *Amistad*, now reduced to 35 in number, have appealed to the public to aid them with means to enable them to send them to Sierra Leone, and thence to their native land, Mendi, whither they have engaged two, and expect the services of two more missionaries to accompany them.

BANK TREAS. The National Intelligence states that the secretary of the treasury has selected the following banks as the agencies of the United States for the payment of the interest on the public debt: Bank of the Metropolis, Washington. The Merchants' bank, Boston. The Bank of Commerce, New York.

CHAMPAGNE WINE. The entire quantity of champagne fit for bottling, grown in 1840, according to the local journals of France, does not amount to more than 21,160,000 litres, (about 5,600,000 English gallons), although ten times this quantity is sold in France or sent abroad as genuine champagne!

LEWIS CORNELIUS, esq. one of the most remarkable of the human family for size, died on the 20th ult. at his residence, Miford, Pike county, Pa. in the 47th year of his age. Daniel Lambert, who is known as one of the wonders of the world, weighed only 19 pounds more than Mr. Cornelius did before his recent illness, during which he fell off from 720 to 655 lbs. Lambert weighed 739 lbs.

The dimensions of Mr. C. were as follows: Height 6 feet 2 to 3 inches; circumference round the waist 6 feet 2 in.; body 6 feet 2 in.; arm above elbow 2 feet 2 in.; below do. 1 foot 9 in.; wrist 1 foot 3 in.; thigh 4 feet 2 in.; calf of leg 2 feet 7 in.; ankle 1 foot 7 in.

COTTON. The receipts at New Orleans the week ending 18th ult., 9,000 bales, notwithstanding the prevalence of the malignant fever. At other ports the crop is running in.

The amount of the crop is estimated at 1,600,000 bales.

ELECTIONS. In Maryland our latest accounts leave no doubt of the election of F. THOMAS, the Van Buren candidate for governor; and the probability is that the house of delegates will stand 41 Van Buren, 37 whigs, and 1 tie (in Queen Anne's county).

EMBROIDERY. The French embroiderers very far exceed the English in that art; nothing can be more brilliant than to see the manufactures of the two countries, when exposed for sale in the London fabric shops; the French in many instances commanding more than six times the price of the English goods, principally from excellency of style and work. [Nottingham Review.]

EXCHANGE. New York bills on London have gone up to 9½d 00 cent. prem. in consequence of which considerable amounts of specie are now going out to meet the balance of trade.

New York on London 93; on France 5f 17½d; on Philadelphia 3½; on Baltimore 2½; Washington 2½; Richmond, Petersburg, Norfolk 3½; Raleigh 4; Charleston 1½; interior of S. C. 2½; Augusta 4; Macon 12½; Columbus 14; Savannah 2; Mobile 8½; New Orleans 3; St. Louis 9; Cincinnati 8½; Nashville 11; Illinois 10.

THE FORGER. Monroe Edwards alias Caldwell, who had recently practised so successfully upon the verbal of the banks and brokers to very large amounts, is supposed to be in custody, and undergoing examination before Judge Randall, Philadelphia. The governor of New York has served a requisition demanding him as a fugitive from justice. L. Tappan, of New York, has published an account of a very useful demonstration made by Edwards upon him, with the view of obtaining \$5,000 to enable him, as a wealthy heir to a number of negroes in the south west, to complete their emancipation and removal from a slave state, to effect which he wished to go to England. Mr. Edwards had obtained a very small sum.

The New York Courier and Enquirer says: "In connection with this affair, several important arrests have been made in Philadelphia and elsewhere, the particulars of which have not yet been developed.—We regret to add that we learn from good authority that the accused is the son of the late Ninian Edwards, once governor of Illinois."

FIRES. The oil factory of the Staten Island Whaling company was burnt on the 30th ult. with \$50,000 worth of oil.

The large saltinet factory belonging to the New England company, in Vernon, Connecticut, was destroyed by fire on Saturday evening, with all its contents. The loss is understood to be \$50,000, on which there was insurance to the amount of \$20,000.

FLOUR. Prices are quoted at Boston \$6 50½ 75; New York \$6 12½ 25; Baltimore \$6 00½ 37½; New Orleans \$6 50½ 00; Cincinnati \$5 00.

A slight decline in prices has in some instances been submitted to.

The New York Express says: "The news from England has had an unfavorable effect on the flour market. All hope of any demand from England has died, consequently prices now rest on the supply and home demand. Six dollars is now about the standard price with very little prospect of any advance until the river closes.

The inspections of the last week in Baltimore consisted of 11,681 bbls. and 662 half bbls. Holders continue to ask \$6 35 for city mills, \$6 12½ for Susquehanna, and \$6 for Howard-street.

LANGUAGE. It was stated by the secretary of the Irish society at its last meeting, that there are about 600,000 persons in Ireland who have no knowledge whatever of the English language, and about two millions more who have some knowledge of English, but whose vernacular is the Irish language. [Atlas.]

NEW ORLEANS. There were 52 deaths in the 24 hours ending on the 22d ult. of which 43 were of yellow fever.

Sept. 25th, 41, of which 31 by yellow fever. Total number of deaths during the week, 327, of which 239 were by yellow fever.

From the 25th to the 28th, 79 deaths by yellow fever occurred.

The virulence of the disease which has been prevalent here, to have yielded somewhat by the latest accounts.

GEN. EDWARD PAINE, one of the earliest settlers of northern Ohio, died at his residence in Painesville, on the 25th ultimo, at the advanced age of 96. Gen. Paine was one of the first to engage in our glorious revolutionary struggle. He led on the first company that broke ground on Dutchess heights, soon after which Gen. Gage evacuated Boston. He was stationed on Governor's island when the American army retreated out of New York, and his company covered the retreating army.

THE REV. EZRA RIPLEY, D. D. died on Tuesday the 20th ultimo, in Concord, Mass. aged 84 years.—He was born in Westfield, Connecticut, in 1757, graduated at Harvard university in 1776, and was a classmate with Gov. Gore, Judges Thatcher, Tyler and Sewell, and other distinguished worthies of the revolutionary period. He was ordained pastor of the Unitarian Congregational church in Concord, Nov. 9, 1777, and remained in that office until his death, in Massachusetts. He preached for the last time on the last anniversary of his birth.

RAIL ROAD ACCIDENT. On the 5th instant, on the rail road line just opened between Boston and Hudson, on the track from Westfield to Chester factories, and five miles from the former, the cars from the east came in contact with those from the west, both trains at the top of their speed, going at the rate of 30 or 40 miles an hour, and the passenger cars of both trains immediately behind the tenders, were shivered to pieces by the concussion.

The scene, is said to have been horrible beyond description, as the wounded were carried to the baggage cars to return to Westfield, covered with blood and groaning from pain. Some were so entangled in the wreckage of the cars, that they could only be extracted by using levers, and thereby raising the fragment which confined them. Some were literally dug out.

The number injured we have not ascertained—supposed to be 30 to 35. And of these two or three were killed, and many were mortally wounded. Some had limbs broken, six or eight were seriously wounded and the remainder were more or less hurt.

Lt. Mr. Warren, the conductor of the train from the west, is dead. Mr. Taylor, the engineer of that train, is badly wounded. A young lady, niece of Major Whistler, is said to be dangerously hurt.—Col. Harvey Chapin, is much bruised, but not dangerously hurt.

The Springfield correspondent of the Atlas, giving a hasty account of the disaster, says: "The rev. S. Elliott, an Episcopal clergyman from South Carolina, and family, left here this noon, were brought back to the United States hotel this evening in sad condition. The ladies were seriously hurt, but two sons, who were in the train, were unscathed and unharmed, and the other had his leg broken above the knee.

SPECIES is rapidly leaving us, if we are to judge by the amount which went from the port of New York last week. The packet *Gladiator* took out for London \$230,000; the *Alkbar* for Canton 94 Liverpool, \$250,000; the *Great Western*, for Liverpool, 271,310 dollars; and the *Louis Philippe*, for Havre, \$316,000. Total, \$1,097,310.

The *Mediator*, from New York to London, took \$370,000, and the *Chas. Carroll*, for Havre, \$192,000.

EPHRAIM SARGENT, one of the last survivors of the battle of *Bunker's Hill*, recently died at Ashford Court, near London, aged 94 years. A correspondent of the Albany Evening Journal says: "Years of toil and blood was the price of our freedom; and of the gallant men who achieved it, but few, but very few, are left among us. They have gone, and bequeathed to us the blood-bought treasure, and us, let me say, we will! A few yet longer linger, and their heads are whitened with the frosts of many winters, and their furrowed cheeks and old drooping forms speak to us with a silent eloquence. But a few short years, and all will have passed away—and even now, the host of that immortal band who stood on *Bunker's bloody height* has gone. There was sacrificed the first and the last of the bonds of tyranny; but of the thousand hearts that burned with all the ardor the spirit of liberty could inspire, the last is chilled to death."

STEAM SHIPS. The proprietors of the British steamers have entered into new contracts with the British government, whereby for the additional consideration of \$2,000 per annum, they are to leave England and the United States once every week with the royal mail, this arrangement to commence in May. The price of passage from Halifax to Liverpool has been raised to £30, say \$150.

The West India Steamboats.—The Royal Mail Steam Packet Company have contracted with the British government to supply not less than 14 steamers, of not less than 400 horse power each, and four others of smaller dimensions. Seven of them are built in England and seven in Scotland. They are named after the rivers Forth, Tweed, Trent, Clyde, Meridina, Avon, Thames, Deer, Tyne, Shannon, Trent, Meridina, and Tyne. They are all built with stoves, dining saloon below deck and single cabins—1,400 tons burthen and engines of 450 horse power. The *Forth* is the first one completed, and was to leave England on the 1st of October.

The *British Queen* steamer was lying below Liverpool, in Dutch colors flying on the 4th ult. purchased by the B-ign government to run between Belgium and New York. On the 9th September she arrived at Antwerp.

STOCKS. A depression in prices has occurred within the last ten days of from 1 to 2 per cent in most of the stocks. In New York, Indiana bonds 43; Ohio 35s 9; Kentucky 35s 8½; Illinois 35s 46½; of Dutch colors flying on the 4th ult. purchased by the B-ign government to run between Belgium and New York. On the 9th September she arrived at Antwerp.

SUGAR FROM CANN STALKS. An enterprising citizen of Delaware has discovered and patented a method of making sugar from the ordinary corn stalk, which is said to promise most important results. He exhibited a specimen of his manufacture at the late agricultural exhibition of New Castle county.

TEA. 19,981,476 pounds have been imported into the United States from China during the last year, the official value of which is set down at \$5,417,589. The New York Courier says:—"The sale of tea Tuesday, per Eben Peble, was well attended, and the competition was animated. The country young hyson sold at from 3 to 4 cents advance per pound on the last sale. Canton made was withdrawn after supplying the bids at 42 cents."

TEMPERANCE REFORM. The Limerick Chronicle says: "Father Mathew administered the pledge to thirty-six thousand persons at Monaghan on St. Patrick's day, and to ten thousand at Colgher on the following day. A Carriknacross he was employed three days to administer the pledge to sixty thousand persons, when Lord and Lady Louisa attended."

LIEUT. COL. R. D. WAINWRIGHT, of the marine corps, The Washington correspondent of the Star writes on the 6th inst. "The melancholy duty again devolves upon me to announce the sudden disease of another gallant officer! Lieutenant colonel R. D. Wainwright, of the marine corps, was yesterday seen on our avenue, conversing with his friends, in the usual health of his company, and engaged in at his dwelling last evening in the usual cheerfulness and urbanity; but, a few minutes after he had retired to his chamber, he was found a lifeless corpse having expired apparently without a struggle or a groan, occasioned, as is presumed, by a disease of the heart."

Colonel Wainwright was born in South Carolina, in June, 1783; entered the service of his country on the 9th of May, 1800; brevetted as lieutenant colonel on the 3rd of March, 1837; and appointed lieutenant colonel on the 1st of July, 1834, and at the period of his decease was superintendent of the recruiting service for this station."

WHEAT at New York, 1,600 bush. Genessee brought \$1 35 on the 6th instant; at Baltimore \$1 20½ 1 30.

NEWS' NATIONAL REGISTER.

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FOREIGN ARTICLES.

FRANCE.

The *Monitor* announces that a sedicious movement, of which the arrests which took place at Clermont Ferrand on the 10th, were for some time emissaries of the anarchical parties were laboring to excite the population to revolt. They succeeded in their ends on the 9th, when the factious erected several barricades, which were carried and destroyed by the troops. On the 10th the disorders continued. Late in the evening a column of troops traversed the streets, committing acts of violence. They then attacked the armed force, killed 3 soldiers, and wounded 15 or 16. The insurgents, on their side, had several killed and wounded. The mail arrived in Paris on Sunday morning, and although it passed through Clermont at 10 o'clock, P. M. it brought no letters from that town. According to the statement of the guard the people was burning the gates, and the fighting continued. Orders were immediately forwarded from Paris to march a considerable force to Clermont.

A telegraphic despatch from Toulon, dated 11th, at 9 o'clock, P. M. and addressed by the prefect of Puy de Dôme to the minister of the interior, announces that tranquillity prevailed during the whole of that day, that patrols had not ceased to parade the town and the neighborhood, and that they had nowhere met with resistance.

CHINA.

The ship *Lowell* arrived at New York from Canton, whence she sailed on the 29th May. On the 20th the entire English fleet, consisting of twenty sail of ships and transports, were passing up Canton river, for the purpose of destroying Canton. And the guard ship, being at Angier, received orders to join the fleet immediately. We shall probably have an account of the fate of the doomed city by the next arrival.

SOUTH AMERICA.

INTERESTING FACTS. The following communication was read before the Academy of Natural Sciences, on Tuesday evening last, by J. B. Quinby, corresponding member. [Phil. Nat. Gazette.]

The following paragraph is now going the rounds of the newspapers:

"It was reported in Chili that the jewels of the Temple of the Sun, which at the time of the conquest of Peru, the natives had concealed from the Spaniards, have lately been recovered near the Cerro de Pasco, in Peru; the value of them has been calculated at \$100,000,000 dollars."

Vol. XI.—Str. 7.

The palace of the Inca and the Temple of the Sun here referred to, we presume to be *Huanoico Viejo*, which is situated on the east side of the Andes, 20 leagues north of the Cerro de Pasco, on the right bank of the river Chuacabamba, one of the head branches of the Amazon (or Marañon) at an elevation of about fourteen thousand feet above the level of the ocean, —latitude 10° south, and longitude 74° west, nearly. It is known that when Pizarro, now more than three centuries ago, took the Temple of the Sun, at Cuzco, which is some twelve degrees south of that at Huanoico Viejo, and despoiled the Inca of his immense treasures of gold, and, finally, when threats could not be more, put him miserably to death, —the Inca of Huanoico Viejo, advised of what had taken place at Cuzco, secreted the jewels of the Temple and the gold of his palace in the fastnesses of the Andes and the neighboring rivers and lakes. —Avarice and ambition have since these hidden treasures brought out of concealment from the hands of Pizarro to the present time. But as yet no clue has been found to this El Dorado, unless the above announcement is well founded, which we are inclined to doubt.

The writer has been five different times at these magnificent ruins, and always found many persons employed in their vicinity searching for the hidden treasures of the Incas. The whole of the province of Huanoico, for a number of leagues above and below the Temple of the Sun, is arid, and the inhabitants of the province of Huanoico through which it passes, obtain by washing the sand, and by means of sheep skins, two or three hundred thousand dollars annually. The wool on the skins is cut out and it is about half an inch in length, the skins are then staked out on the sand, and the sheep are then staked out with the wool side up by means of loose stones placed on them, in and below the various falls and rapids, in which position they are suffered to remain from six to twenty-four hours; they are then carefully raised out of the water, turned wool side down into a *balde* (bowl) of water, and are again staked out, and the wool falling from the wool of the skin, and it is finally collected from the bottom of the *balde*. Sheep were unknown to the Incas, and as they had obtained an immense amount of gold from this pacloen stream it is presumed that they used the skins of the llama, (camelus lacinia of L.) and those of the vicuña (camelus peruanus or vicuña of L.).

When we reflect on the fact that the Indians and Spaniards have obtained by their rude washings on this river during two or three centuries, one, two and three hundred thousand dollars of gold annually, and that they have not probably secured the one hundredth part of the amount that has passed down the current of the stream, we may form an imperfect idea of the exhaustless source of this perennial supply. The stupendous Andes are alone capable of furnishing such countless riches.

We shall not attempt a description of the magnificent Temple of the Sun at Huanoico Viejo; its powerful fortress, and the ruins of the great city which they overlook. When, and by whom they were built, neither history nor tradition informs us. The ruins are in such a language and we are left to conjecture. But their great magnitude and massive walls, composed of huge blocks of square, oblong and elegantly wrought marble, greenstone, and greenstone porphyry, weighing many tons, bear mute but eloquent testimony to the untiring industry of the Incas and their advances in the arts of civilization. —The ruins are in such a language and we are left to conjecture. But their great magnitude and massive walls, composed of huge blocks of square, oblong and elegantly wrought marble, greenstone, and greenstone porphyry, weighing many tons, bear mute but eloquent testimony to the untiring industry of the Incas and their advances in the arts of civilization. —

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These ruins are almost as perfect as they were when Pizarro conquered Peru. Even the great earthquake which destroyed the city of Callao built by the Spaniards, with its thirty thousand inhabitants, did not throw down the massive walls of the Temple of the Sun, and the writer can testify that they withstood, with but slight injury, the great earthquake of 30th March, 1828. The Seraglio and its various compartments, with the exception of the roof, the voluptuous boudoirs of a numerous train of wives, cut out of massive rocks, as almost as entire as they were on the landing of Pizarro.

There is here any location on the whole range of the Andes more sublime than all others, it is at the base of the peak of Raura, in sight of this temple. The writer has crossed the Andes from side to side twenty-four times, at seven or eight different passes, twice from Naranjal on the gulf of Guayaquil, 11

deg. S. of the equator, to the city of Cuenca, the capital of the province of Azuay, a little south of Chimborazo, and having spent more than two weeks at the foot of the peak of Raura, at least one thousand feet above the line of perpetual snow he has no hesitation in saying that it is incomparable, the most sublime spot ever visited by the human eye. Besides the peak of Raura, which we believe to be at least as high as Chimborazo, there are innumerable smaller ones rising on the range of the Cordilleras to the north and south, having their bases resting in the perpetual snow, and throwing up their snow clad apices thousands of feet into the pure and attenuated air, almost out of the reach of the eye and above the nutting wing of the immense Condor or South American eagle. The largest and nearest of these peaks is that of Nueva Potosi, the base of which approaches within a league of that of Raura, and is but little inferior in height and magnitude to Raura itself. The intervening space between these two peaks is occupied by the lake of Nueva Potosi, the surface of which is almost five hundred feet above the lower limit of perpetual snow; and as this line, within the tropics, is known to be about fifteen thousand five hundred feet above the level of the ocean, the surface of this lake must be sixteen thousand feet high. It is completely embosomed by a ridge of the Andes on the west, another on the east, the base of Raura on the north, and that of Nueva Potosi on the south. Its copious waters find a subterranean channel through a high western limestone ridge, and break out at the western side of the Andes, at a point where the mountain is very nearly vertical, and form a magnificent cascade of many hundred feet in height, falling into a lake of several leagues in circumference. A short distance to the northwest of this cascade, there is a large *cerro* (hill) of *yaso* (gypsum or sulphate of lime). The lake of Nueva Potosi is the source of the river Huancabamba, it makes its way down the sides of the Andes in very nearly a westerly direction, and falls into the Pacific ocean at Huachol, the famous salinas of the western coast, which supply the greater portion of the southern hemisphere with salt.

On the northeast of the base of the peak of Raura is the lake of the same name, one league north of the lake just described, and from which it is separated by a high trap dyke and amygdaloid. This lake, which is about one hundred and fifty miles from the Pacific, is little higher than that of Nueva Potosi, and has an open outlet to the east down a craggy precipice of several hundred feet in height. It forms the head of the river Chuacabamba, one of the principal branches of the Amazon, and probably it is the highest and most distant source of that great river. The waters of this lake traverse the continent of South America, from west to east, at its widest expanse, almost from the margin of the Pacific to the Atlantic, a distance of nearly ten thousand miles. Both of these lakes are the receptacles of avalanches from the peaks of their respective names. No less than two were precipitated into the lake of Raura whilst I was encamped on the snow in its vicinity. 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CENTRAL AMERICA.

It will be remembered that their was a report not long since that a chief of the Mosquito tribe of Indians had died and in his will left his dominions to Queen Victoria. We learn now from the New York Herald, by a vessel just arrived that "the king of the Mosquitoes, chief of a tribe of Indians, who inhabit a part of the province of Honduras, arrived at San Juan on the 15th of August, in company with the governor of Belize, in an English school of war, and laid claim to that port. The Central Americans were ordered to leave by the first of next March. His Mosquito majesty, with his English allies, then proceeded to Bocorero and ordered the Indians to leave by the same time. The commandant of San Juan had been sent to Belize to be tried for piracy.

The Herald adds: "It is reported by Captain Roberts, that the Americans, at San Juan, are almost daily insulted, and what is still worse, a high handed outrage has been committed at that dangerous place, on this city." We have received a full account of this outrage, and it calls loudly upon our government for instant redress."

CALIFORNIA.

DRUGHT AND FAMINE. The Boston Daily Advertiser says: "A letter from an intelligent gentleman states that the country was in a most deplorable condition, there having been no rains for a period of 13 months. No bread stuffs had been raised, and the cattle, in which consists the chief wealth of the country, were suffering greatly."

WEST INDIES.

ISLAND OF CUBA. A commercial gentleman, who has spent some weeks in Havana, informs his correspondent in this city, that he has become satisfied, from information he has obtained in the best quarters, that England is negotiating with Spain for a cession of Cuba. Some of the steps he has learned the British government have taken in the matter he states thus:—"The English demand the liberation of all the negroes introduced here since the treaty of 1830, as being called for by the spirit of that document. The government at Madrid referred the question to the governor here, who called a junta of rich people—they answered (with one exception) we cannot allow it. Now, England has said it must be done; if the regent of Spain says to Cuba de it, and the people of Cuba persist in saying no, the result will be the result of the question. A proud Spaniard asked me the other day, if I thought that the United States would accept of the Island? I answered, I believe the Island would be received, but you must first achieve your own independence—then she will acknowledge you, and take you as an partner. But the grand question is will Uncle Sam allow *Bully Bull* to take possession here, even if old Spain consents? If he does, adieu to peace—our southern institutions will at least be jeopardized, and a valuable trade closed against us."

[N. O. Bulletin.]

TEXAS.

TEXAS FUNDS. The New York Post says: "We are gratified at being able to state for the information of those interested in Texas funds, that a letter has been received in this city from General Hamilton, announcing the agreeable intelligence of his intention to leave Europe for this country early this month, bringing with him the proceeds of the Texas loan in gold. This will be good news to the holders of Texas bonds and treasury notes, and we anticipate a speedy advance in their prices."

NATIONAL AFFAIRS.

APPOINTMENTS BY THE PRESIDENT.

Samuel D. Spencer, of New York, to be secretary for the department of war.

William B. Hodgson, of the District of Columbia, to be consul of the United States for the city and kingdom of Tunis.

Francis J. Grund, to be consul of the United States for the port of Bremen.

Samuel D. Hoop, transferred from the consulate of the United States at Tunis, to be dragoman to the legation of the United States at the sublime port.

F. L. Cushman, of New York, to be consul of the United States for the city of Lima, in Peru, in the place of Edwin Bartlett, resigned.

John H. Preble, of Pennsylvania, to be consul of the United States for the port of Campeche, in Mexico, in the place of John Lewis McGregor, deceased.

Samuel J. Douglas, to be judge of the United States for the middle district of Florida.

J. Washington Tyson, of Pennsylvania, has been appointed commissioner of purchases, vice Irvine deceased. *John C. Watkinson*, to be surveyor of the customs, at Philadelphia.

PRESIDENT TYLER'S CABINET AS NOW COMPLETED.

Secretary of state, DANIEL WEBSTER, of Mass.
Secretary of the treasury, WALTER FORWARD, of Pa.
Secretary of war, JOHN C. SPENCER, of New York.
Attorney general, ADAM P. VESUTI, of Virginia.
Attorney general, HUGH S. LEGARE, of S. Carolina.
Postmaster general, CHARLES A. WICKLIFFE, of Ky.

Judge UPSHUR reached the seat of government on the 11th and assumed the duties of SECRETARY OF THE NAVY.

JOHN C. SPENCER, ESQ. reached the seat of government on the 11th, and assumed the duties of SECRETARY OF WAR. On the following day the military dress was put upon him in full uniform. Afterward they paid the same respect to the chief of the navy department.

CHARLES A. WICKLIFFE, ESQ. who has accepted the appointment of postmaster general, reached Washington city on the 11th inst. for the purpose of assuming the duties of the station.

Mr. Webster secretary of state, is on a visit to Boston.

President Tyler's cabinet is now complete. The MADISONIAN observes. "We have a cabinet that recognizes the president as their chief, and upon whose good faith, unity of action, and attachment to the constitution, the people may confidently rely. The members of the cabinet were advocates of the reform of 1840, and with one exception only, supporters of the principles upon which Gen. Jackson came into power in 1829."

CONSUL. The president has officially recognized THOMAS BARRETT, as consul of his holiness the Pope, for the port of New Orleans.

THE NEW CABINET.

From the New York Tribune.

The opinions and character of the men whom President Tyler has called around him as advisers have become the subject of universal inquiry and interest.

WALTER FORWARD, *secretary of the treasury*. Mr. Forward is a citizen of Pittsburgh, Pa. Our first knowledge of him was as a democratic member of congress from his district in 1824, and an ardent champion of the American system. He united in the caucus nomination of Mr. Crawford for president but afterward recanted, when the Jackson whirlwind swept across the country and he was elected. He abandoned General Jackson when it became evident that he was identified with the enemies of the protection of home industry. He has since been mainly out of public life, but known as a national republican or Clay whig, in contradistinction from the anti-nations, who bear sway in the construction of the tariff. In 1836 he was chosen a member of the constitutional convention of Pennsylvania, and distinguished himself in the deliberations of that body. But he has not for many years been active in politics till last season, when he took the stump for Harrison and Tyler in western Pennsylvania with great efficiency. His high personal character and reputation for independence gave him great weight. When General Harrison became president, he made Mr. Forward attorney for western Pennsylvania which he declined; then first comptroller of the treasury, which he accepted, and has since discharged the duties of that office. He is well qualified for the station to which he has been called.

From the Madisonian.

HEN. WALTER FORWARD. The recent promotion of the hon. Walter Forward, to the head of the treasury department of the United States, by President Tyler, furnishes a happy illustration of the agency of native talent, integrity, industry and perseverance, in receiving the high honors of the republic. Mr. Forward has been literally the architect of his own fortune. He is a native of Hartford county, Connecticut, and, in his younger days, he left his native state, "Alike unknown to fortune and to fame."

Having removed to Pennsylvania, he established himself at Pittsburgh, as a lawyer, and soon rose, by his own personal merits, to an enviable rank, at the bar of the western section of that state. In 1823, he was elected a member of congress, and in the next few years he was an assiduous and faithful representative from the Keystone commonwealth. As a member of the committee on manufactures, and, subsequently, as chairman of that committee, he exercised a commanding influence over that important branch of the business of legislation, and proved himself to be a wise and judicious member of congress.

On his retirement from his seat in congress, he returned to the practice of his profession. But his qualifications for the public service were too commanding to escape the attention of the party which prevailed at the election of 1840, and, at the commencement of the administration of President Harrison, he was ap-

pointed comptroller of the treasury. In this station he discharged his laborious and complicated duties so much to the satisfaction of President Tyler, that on the retirement of Mr. Ewing, he was elevated to the distinguished office of secretary of the treasury of the United States, which he now fills, with the approbation of the people, and to the entire satisfaction of his colleagues.

Mr. Forward is dignified in deportment, conciliatory in manners, methodical in business, of industrious habits, and entirely devoted to his arduous duties. He has had occasion to bestow much attention to political economy, and fiscal affairs, and, as a practical financier, he is probably surpassed by no man in the service of the government. Nor is there, perhaps, any man in the union more familiar, from practical experience, with the resources and wants of the country, in regard to the complicated system of national revenue. He is emphatically a man of details, and has made himself deeply acquainted with the incidental and remote tendencies of graduating duties and imposts on the multifarious articles of consumption, in respect to affording due protection to articles of domestic manufacture, and imposing appropriate burdens on articles of mere luxury.

Thus, after all, constitutes the great secret of financing, on a national scale, which has been so much the study and desideratum of the statesman of modern times. While, therefore, the advocates of American industry will find in Mr. Forward an enlightened and discreet friend, the nation at large will go with him, heart and soul, in all just recommendations, for deriving a suitable proportion of the revenue, from articles of mere luxury. In the selection, then, of Mr. Forward, to preside over the intricate and complicated affairs of the treasury department—extending its ramifications from the centre to the remote extremities of the republic—comprehending every species of revenue, and involving in its vortex interests connected with each and every branch of industry and commerce—President Tyler has afforded another signal instance of devotion to the best interests of the country. In fine, Mr. Forward has every qualification for his office, and bids fair to become as useful as any one of his predecessors.

From the Baltimore Patriot.

HONORABLE WALTER FORWARD. The Pittsburg Advocate pays a high compliment to the secretary of the treasury. It says: "We are disposed to look upon the appointment of this gentleman to the important station of secretary of the treasury as an auspicious omen. The moderation of his character, high moral worth and great abilities, are a guarantee that he will discharge his duties with impartiality and faithfully discharged; while to the northern and middle sections of it his known predilections in favor of the protection of domestic industry, will render it peculiarly acceptable."

From the Charleston Courier.

MR. LEGARE. The appointment of Mr. Legare, considered simply in reference to his fitness for the office, must please the country without distinction of party.

His selection to all Carolinians, to be a confidential adviser of the president, justifies the opinion which many citizens of the state have entertained of him; the president must have been guided by the estimate of public opinion.

Politically regarded, the appointment of Mr. Legare by Mr. Tyler, is the broadest possible intimation, that the president seeks nothing, and expects nothing from, and will yield nothing to Mr. Legare. The victor has not been a victor, and Mr. Legare, the routed, and the persecuted, is the responsible organ of his native state, in the councils of the administration.

From the Newark Advertiser.

The attorney general, Hugh S. Legare, is among the most accomplished members of our age—a well educated, a brave, a statesman and jurist. He comes from one of the old Huguenot families that emigrated to South Carolina more than a century ago. Being an able opponent of nullification, General Jackson made him charge to Belgium, and on his return in 1836, he was sent to congress from Charleston, where he was a distinguished member. He parted with the late Vice President, on the sub-treasury question and distinguished himself by his manly and eloquent speeches against it—knowing of course they must forfeit him his seat. His literary contribution to the Southern and New York Review, have given him at least a place among the best of the day.

From the New York Tribune.

HUGH S. LEGARE, *attorney general*. Mr. Legare is a citizen of Charleston, S. C. and we believe a descendant of one of the old French Huguenot families which settled there over a century ago. He became eminent by his writings in the "Southern Review," a quarterly published at Charleston some years since. He was appointed charge to Belgium, by General

Jackson being a warm "union" man as opposed to nullification. He returned to Charleston in 1836-7, and was soon after proposed for elected and elected, turning out hon. L. L. Pinckney (nullifier) on a medley of political and local issues. Mr. L. went to congress in 1837 as an administration man, but he took no part in the tariff measure proposed by Mr. A. Buren, he took ground against it in a profound and masterly speech, as also in a powerful "letter to a constituent." For his course he was thrown out of congress at the next election—Charleston being the strongest sub-treasury city in the union—but he abated nothing of his warfare upon the sub-treasury project, speaking luminously at our conservative state convention last October and repeatedly in this city and elsewhere. He has recently contributed several masterly articles on classical literature to the New York Review.

From the Lexington, (Ky.) Observer.

Governor Wickliffe. We regret to observe that the Washington correspondent of the Louisville Journal and perhaps other papers, attribute this appointment to governor Wickliffe, supposed hostility to Mr. Clay—a motive equally disparaging to Mr. Tyler and to governor Wickliffe. Those who are in the least acquainted with the political history of our country know that the president and the master general served together many years in congress, and that the most intimate relations, both personal and political, subsisted between them. The admirable system, indomitable industry, and superior ability displayed by governor Wickliffe, and various statements which he has lately readily pointed out to us in every way admirably qualified to discharge the duties of the high station to which he has been called. We do not feel disposed to draw any invidious comparisons between Governor Wickliffe and any other gentleman, but we confidently believe that his appointment is the result of a most judicious selection. Kentucky, and predict that, under his administration, the post office department will be conducted with method, economy and to the satisfaction of the nation.

From the Frankfort, (Ky.) Commonwealth.

The president, in the formation of his cabinet, has conferred the office of postmaster general upon the hon. CHARLES A. WICKLIFFE, and the appointment has been confirmed by the senate. It is understood here that Mr. WICKLIFFE will accept the office, and that he will enter upon the discharge of its duties as soon as he can make the necessary arrangements for resigning his present position. Mr. WICKLIFFE is eminently qualified for the office of postmaster general, uniting as he does to talents of the first order, great experience in the management of public affairs, both state and national, and an unerring industry. As chief magistrate of Kentucky, he gave great satisfaction by the ability and vigor of his administration, and we doubt not but that, when ever opportunity offers, he will still do all that he can to promote the interests and welfare of the state.

From the New York Courier and Enquirer.

MR. JOHN C. SPENCER.—The translation of this gentleman from the office of secretary of state of the state of New York, to the head of the war department, is one of those events which is well calculated to arrest public attention, and cause inquiry into the principles and motives which influence the conduct of prominent politicians. We said some months since that experience had taught us, that all our prominent politicians, if not corrupt, were at least time serving and venal. Every man who is experienced enough to confirm us in this conviction; and the sooner we see people arrive at the same conclusion the better it will be for the country, because a correct knowledge of our public men, is certain to change the character of our political contests, and render "principles, not men," the great object of our struggles.

When Mr. Tyler resigned upon his second veto, and that too, upon a bill which had been got up under his own supervision and at his personal request through DANIEL WEBSTER, his secretary of state,—public opinion was unanimous in his condemnation, and every person who pretended to think upon the subject, were ready to condemn him. It is now declared that the executive of the nation has proved himself false to his political friends, false to his country, false to his own reputation, and at the same time, guilty of the grossest deception to the members of his cabinet and the resolutions of the whig party in congress.

Four of the members of his cabinet retired in disgust, leaving the men of honor and honor who had no longer held office under one who had proved himself so utterly regardless of the most solemn pledges; and a fifth, Mr. GRANGER, also tendered his resignation, which was accepted, because his friends were of opinion, the honor of the empire state required that he should refuse to hold office under one who had thus treated with contempt the will of the people, and the reasonable expectations of those who had elected him to office, at the same time that he had

proved himself wanting in that regard for his word, without which no man can claim to be the associate of gentlemen. Next came a manifesto from the whig members of congress, appealing to the people against the president; and this important document was responded to by a reply by a democratic member of congress, which call it was generally understood at the time, and is now admitted to have been written by JOHN C. SPENCER.

We give that portion of the document setting forth the cause for this rally against the executive. It is addressed to the whigs of the state of New York, and in these words:

"An eventful crisis has occurred in our political affairs. The individual elected to the second office in the general government, by the votes of the democratic whig party, and by an insupportable dispensation of Providence, called to fill the place which for the lauded HARRISON was designed, is declared by the representatives in congress of our party, to have forfeited their confidence, and to have 'voluntarily separated himself from those by whose exertions and suffrages he was elevated to that office through which he has reached his present exalted station.' He is represented to have withdrawn his confidence from all the members of his cabinet, and from the members of a cabinet selected by his predecessor, approved by the unanimous voice of the democratic whigs of the union, and invited by him to continue his chosen counselors; and to have trusted and been guided by those who have been distinguished as the ablest oppositors to any measure in which we have no long contended, and which have received his own sanction.

"We are informed from the same source, that he has capriciously exercised that last remnant of kingly power left in our constitution, the executive veto, against the unadvised expression of public opinion, through the legislative body, in relation to the re-organization of the treasury. And we now learn that what may be deemed the first step of conciliation towards his and our political antagonists has been taken by the appointment to one of the most important posts in the treasury department, of a decided adherent to Mr. Van Buren, and who, for that cause only, had but just been removed from the office."

Here are four distinct charges upon which Mr. SPENCER places the necessity for a state convention to rally the whig party against the president; and all save the last, which was based on an event that had not taken place, and which in itself was very immaterial, and of no great force. How then, it is every where asked, can Mr. TYLER offend, and Mr. SPENCER accept of a place in the new cabinet? This is a question which Mr. SPENCER is far more capable of answering than we are, and as we are so thick headed as not to be able to perceive how it is presumed that he can resign his place with honor, it is to be wished that he (Mr. C. S.) can answer it in a manner perfectly satisfactory. We hope so, because as at present advised, we look at his position as a very awkward one.

The New York Courier and Enquirer, nevertheless, thus testifies as to the new secretary.

"To those at a distance who do not know Mr. SPENCER, and to our many friends, who very naturally feel a deep interest in the character of the person placed at the head of the war department, we deem it proper to say, that Mr. JOHN C. SPENCER is a gentleman who as a man of talents and a lawyer, has no superior in New York, and but few equals in the nation. We believe him to be quite as honest as any other politician of the country. We are not disposed to say that he knew him to be the most laborious and indefatigable business man in the union,—aye, in the nation. With power of mind fully qualifying him for any position, he possesses ability to labor for the mere love of labor, such as has rarely if ever been seen in the political world. At Albany or Washington, he will not only discharge promptly all the duties of his office and the duties of most of the clerks under him, but he will insist that the duties of all the other departments be discharged with equal promptness, or enter upon their discharge himself. He is no respecter of persons, and the president and DANIEL WEBSTER and the finger of accusation, as well as their departments as well as his own, if they do not do better, and a little more than any executive or secretary of state ever did before.

Such is JOHN C. SPENCER; and although a somewhat impracticable politician, he is admirably calculated to do the duties of the office of war department, and for the duties of the office of war department, there can be no doubt his selection will prove highly beneficial to the interests of the department over which he is called to preside.

From the Madisonian.

JUDGE A. P. UPSHUR. Among the names transmitted by the president to the senate, was that of ABEL P. UPSHUR, of Virginia, for secretary of the navy. As Mr. Upshur has never been in congress, his name is not familiar to a large portion of the nation. In this respect he stands in the rear of many others of far inferior capacity. As he has been invited to take a seat in the cabinet of President Tyler, your readers will be interested to know something of his character and public career. He is not unknown to fame, however, in his own section, and in his country, and few equals in his state. He has for several years a distinguished member of the house of delegates, and took a prominent and leading part in the legislation of the times.

Judge Upshur is a distinguished justice of the high court of appeals of his native state. He was a pupil of the late Mr. Wirt, was for several years engaged in an extensive practice, and soon rose to the first rank in his profession. As a well-read lawyer and an able advocate, he had no superior, and few equals in his state. He has for several years a distinguished member of the house of delegates, and took a prominent and leading part in the legislation of the times.

In the memorable convention which assembled at Richmond in 1823, for the formation of a new constitution for Virginia, Judge Upshur was a prominent member. In that convention were comprehended the leading statesmen of the Old Dominion, including Madison, Monroe, John Marshall, John Tyler, J. W. P. Barbour, John Randolph, Benjamin Watkins Leigh, and others. James Monroe was president of the convention, and Judge Upshur was one of the members of its deliberations, Philip P. Barbour was chosen in his place. All the master-spirits of Virginia were there, and a more able assemblage of worthies was never convened in the Old Dominion. It was on that occasion that the qualities of Mr. Upshur as a statesman of enlarged and comprehensive views were fully displayed.

Amid the conflicting plans for the basis and outline of a constitution, Mr. Upshur had the distinguished honor of presenting the project, which was finally adopted, and in consequence of the profound wisdom displayed in conceiving the plan, and the ability and eloquence exerted in maturing, illustrating, and urging it to the satisfaction of those present, Mr. Madison, Mr. Marshall, and Mr. Tyler, united in a most memorable declaration that he was the ablest member of the convention. Such a compliment, coming from such high authority, would not have been bestowed at random, and could not have been a matter of indifference to any one, even though he had enjoyed the highest honors of his country. Judge Upshur is one of Mr. Upshur's own age,—then comparatively a young man—it was a distinction worthy of the most elevated ambition, and calculated to confer lasting honor. His efforts on that occasion, and the estimation in which they were held, gave him a rank among the most accomplished statesmen of the south.

In the character of a judge, his official labors have been limited to the unobtrusive discharge of judicial functions. The spotless ermine never rested on a more pure and upright judge. On the bench, he has redeemed the just expectations of the people, by the learning, ability, impartiality, and dignified manner, in which he has fulfilled the duties of his office. To talents of the first order,—to extensive and varied learning, and long experience, as a lawyer and judge—as a legislator and statesman of enlarged views—he unites industry and method in the application of a powerful intellect to the details of business. Few men possess so clear and comprehensive a mind, coupled with the native calmness, to enforce his conclusions on the minds of others, and it was the remark of a distinguished southern statesman, familiar with the character of both,—that he knew of no man in the union better calculated than Judge Upshur, to compete with the gigantic intellect of Daniel Webster, on any important subject.

Judge Upshur is an accomplished gentleman of the Virginia school, and in all the social relations of public and private life, he is dignified in manners, conciliatory in deportment, and accessible to friends, to neighbors, and to all others in the common intercourse of business.

On the death of the late Judge Barbour, Judge Upshur was spoken of as his successor, and it would have been in the highest degree satisfactory to the people of Virginia, to have seen him translated to the vacant seat on the bench of the supreme court of the United States. But other counsels prevailed, and the judicial department of the state was thus precluded from the services of one who was qualified to become one of its brightest ornaments.

It has been said that Judge Upshur has never been in congress, and is not extensively known beyond the limits of the Old Dominion. This is but a negative objection, and does not detract from his personal merits. A similar objection was made a few months ago to Mr. Badger, and when he was nominated by Gen. Harrison, as secretary of the navy, he was but

little known out of North Carolina, and we heard the question propounded by more than one member of Congress, "What would L. B. Webster do?" The answer was, "He would do what he pleased." He accepted office, and is now universally acknowledged to have been an able and efficient head of the department. Those who know Judge U. best, are as ready to vouch for his qualifications, for any post that may be assigned to him.

From the National Intelligencer.

Of all the gentlemen appointed to fill the vacancies in the cabinet, except one, we have some personal knowledge; and, whilst we may doubt whether they are all the best selections that could be made for the stations they are respectively assigned to, we have no hesitation in saying that the appointments are upon the whole better than could have been expected. They are all gentlemen of honorable repute, of intelligence, and, we believe, of business habits.

From the Alexandria Gazette.

Of those gentlemen, it may be said, generally, that they are able and intelligent statesmen. Mr. Forward is an ardent whig; Mr. Upshur is a decided anti-reconstructionist; Mr. Legare is a distinguished whig conservative; and Mr. Wickliffe is a decided whig. The last cabinet, we consider, was the ablest and best that the country has had for many years.—We sincerely hope that the new one will devote itself to the welfare of the nation, and the great principles of retrenchment. Mr. Legare is the people had down as their will, at the election last November.

From the New York Times.

The gratitude of the republican party will accompany the late members of the cabinet in their retirement. They have performed their duty to the country worthily and well, and the great principles of democratic republicanism shall be squared by the to it command our unequalled respect. Their successors, are men of ability and integrity; and well qualified, we most not, as any who could have been selected to discharge the high trusts confided to them. We shall support them to the best of our ability, so long as their policy shall be squared by the democratic republican principles and precedents.—We go for measures, and not for men, except so far as they represent principles.

These are all whig journals. Now let us see what the other side says. "The New York Evening Post opens upon the dissolution in the cabinet. It is the latest late cabinet, an ill-assorted association that flew into fragments, like the rind seed-vessel of the plant called *touché-not*, when you brush it with your finger, "Mr. Webster," it says, "still clings to his office like an autumn leaf—"

"The last red leaf of all its clan,
That dances as long as it can,
On the top of the old tree."

If he abdicates his place at all, it will be
With sweet, reluctant, amorous delay—
but we think he will be obliged, ere long, to go after his fellows."

The Post, after remarking that the confirmation of the new cabinet would be by a grudging and sulky vote, proceeds to speak of the members of it as follows:

"Walter Forward, who is nominated to the post of secretary of the treasury, is a western Pennsylvania lawyer, a native of one of the New England states, who went in early life to Pittsburg, and rose to eminence at the bar. He is known not to agree with the Clay party in the anti-banking question. On the other hand, he is a high-tariff man, and strongly attached to the mischievous protective system."

"Abel P. Upshur, who is named for the department of the navy, is an ingenious Virginian, fond of speculating and refining. He has written some essays upon the abolition question, in which, we believe, he maintained the extreme southern doctrine."
"Hugh S. Legare, whom Mr. Tyler has selected to fill the place of attorney general, holds in politics much the same position with regard to parties in this country, that the doctrinaires hold in France. He is eloquent and erudite, perhaps not very practical.—His brilliant but capricious talents make his accession to the cabinet ornamental at best."

"Of Charles A. Wickliffe, who it is supposed will be nominated to the place of postmaster general, we can say little. He belongs to a family of Kentuckians whose dislike of Mr. Clay is well known."

"The new cabinet, like the last, will be composed altogether of lawyers."

IMPORTATIONS. The New York Express says there is undoubtedly an immense stock of goods on hand, much larger of some descriptions than is wanted, or than will be sold for months to come. The Express says, to ease the new duty, had been such, that many foreign houses have been induced to ship, and the disposition to advance on consignments, is the great cause of the rise in foreign bills.

COMMERCIAL REGULATION. Information has been officially received from our consul at Matanzas that at Mexico a government is considering the project of erecting a tariff wall at Vera Cruz, to forbid the introduction of any articles coming from those countries, either directly or through the ports of other nations, into any of the ports of the Mexican republic, under the heavy penalties prescribed by the 51st article of the tariff.

The decree to this effect is enforced from and after the 25th of August past with regard to vessels from the coasts of the Mexican gulf and of Cuba, and from and after the 17th of September past with regard to vessels from the Atlantic ports of America.

[Nat. Intel.

MEXICAN CONSULATE. New Orleans, September 18, 1841. I am directed by his excellency, the president of the Mexican republic to make known to all persons travelling in the departments of Upper or Lower California, without giving notice to the government, or his diplomatic or consular agents for the purpose of obtaining passports, will be subject to be driven from the territories of said departments, without receiving the government's order, and in such manner as they will have failed to comply with the formalities required by the laws of the republic.

F. DE ARRONGOIS.

COTTON TRADE. The crop of cotton for the year has been made up at the south, this year, to the 1st of September, and of the 1st of October, as has been the case heretofore, consequently the present crop is the receipts for eleven months only, and the next will be those for thirteen months. They are, however, so exceedingly small during the present month, that it will make but little difference as to the actual result. The following is a table of the crops, as computed with other years.

Crop of Cotton in the United States.

	1838.	1839.	1840.	1841.
New Orleans,	721,356	580,160	939,598	756,857
Alabama,	309,807	251,743	446,678	317,699
South Carolina,	294,334	210,181	311,338	224,739
Georgia,	306,210	205,142	235,708	174,001
Florida,	106,130	83,177	113,344	88,000
North Carolina,	24,159	11,186	9,840	7,393
Virginia,	32,000	22,200	19,000	20,397
Other ports,	2,250			

Total crops, 1,801,497 1,365,898 2,151,591 1,592,131
Increase, 377,567 435,709 755,693 559,469

The average crop for the past five years has been 1,663,000 bales, and has been an over supply. The stock on hand now being in excess of that of last year, at this time, about 1,000 bales in the U. States. The stock of raw cotton in Liverpool is also in excess of that of last year, and the falling off in the quantity taken by the trade, 3,800 bales per week for the first six months, the quantity actually consumed is stated, in Burns' Glance, at but 400 bales per week less than last year, making a decrease in the quantity of raw cotton held by the trade, of 88,400 bales during the six weeks. This exists, however, in the shape of goods, which it is difficult to dispose of at a profitable rate. The imports last year, during the first six months from Jan. 1, 1841, to August 30, have increased in all quantities of American.

Imports of cotton into England, January 1, to August 30, 1840, and 1841.

	1840.	1841.	Increase.	Decrease.
American,	1,013,852	793,289	220,563	220,563
Brazil,	65,941	81,098	15,157	
East Indies,	140,348	124,991	15,357	
Egypt,	24,847	30,251	5,404	
West Indies,	3,308	5,639	2,331	

Total, 1,216,296 1,052,806 163,490

During the six months it appears, then, that the decrease in imports was not so great as the decrease in quantity taken by the trade, and the quantity actually consumed is much greater in proportion to the consumption. The usual hue and cry is now raised from the south, as to the injury sustained by the new crop. There is in some sections a little truth in the matter, but under any circumstances that can now arise, the crop will be fully equal to the demand, but they do not yet make up their minds to submit to the large reduction demanded by shippers. [N. Y. Herald.

LAKE TRADE. There were cleared at the collector's office, in Buffalo, during the season of the canal navigation for 1840, boats, to the extent of \$24,000 (about \$24,000) barrels of ash, besides 25,000 bbls. pork, and 7,000 barrels of ashes, besides the thousands of tons of whiskey, butter, cheese, lard, seeds, fur, lumber, &c. &c. And the toll collected

at that office exceeded in amount any other office in the state, being over \$133,000.

The increase of tolls for the past season (1840-41) at that office is about \$100,000. They received up to the first day of August about \$200,000. And the same ratio of increase in the next five years will swell the tolls at that office to more than a million of dollars annually.

GROGAN RELEASED. We inserted in the Register of the 21st inst., an account of the abduction of James W. Grogan from the state of Vermont and of his confinement at Montreal. We learn by accounts from Canada that sir Richard Jackson, in the temporary administration of the Canadian government, promptly released the person of Grogan, and he was on the 14th instant handed over to the inspector of police by the sheriff of Montreal, to be by the former functionary safely escorted to the United States line.

A party of British soldiers it seems escorted Grogan to the Canada line and there dismissed him.—Our government will of course demand of Great Britain the punishment of the ruffians who committed the outrage.

The New York American states that the hon. C. R. Ogden, attorney general of Canada, on his way through that city to Boston, and thence by steamer to England, and on the evening of the 14th inst. Grogan, he took immediate measures to have him released, and that Grogan, after being brought to the United States, went back to Canada, when the people refused to arrest him; thus frustrating his design to become a McLeod lion.

We copy the annexed paragraph from the Montreal Gazette of the 28th ultimo. The Montreal Times also contains a similar paragraph.

"We mentioned a short time ago, that the notorious Grogan had been brought into town, in charge of a party of volunteer dragoons, and lodged in jail. Since then, we have learned that some little excitement has been created on the other side of the line by his arrestment, and the good people of Burlington have thought it worth while to hold a meeting, by which the gentleman may be restored to his amiable pursuits of house and barn burning. It was to have been held yesterday, and the grounds, we understand, upon which, 'action,' (as our neighbors phrase it), would be taken, were, that Grogan was kidnapped from the United States, carried into this province, and then surrendered to the civil power. If this be true, the man of course, ought not to be retained in custody; and if it can be established by affidavits, notwithstanding the high crimes of which true bills have been found against him in our criminal courts, no obstacle, we presume, will be offered to his surrender to such American authorities as may take the proper steps for his release."

From this paragraph, two important facts appear. First, That the force seizing Grogan was a volunteer, and not a regular force. Second, That opinion in Montreal is settled that if the man was kidnapped within our borders, he should be immediately given up.

There remains now only one other step, that sir R. Jackson should immediately order his restoration to our limits, and the punishment of the violators of our territory. This would this new species of war in the horizon be dissipated.

Since the above was in type we have seen a letter from an officer of the United States army, who had repaired to Albany, and there ascertained that the outrage was committed by volunteers and not regulars, and without the presence, or, so far as could be ascertained, the sanction of any commissioned officer.

Of course, therefore, restitution and redress will be promptly tendered by the Canadian government.

[New York American.

SANTA FE TRADERS. Several of the persons connected with this company, and among the number, arrived in the city several days ago, but through some intention their arrival was not noticed. We are greatly obliged to our correspondent for his letter. The information will be interesting to many of our readers. [St. Louis Bulletin.

Independence, Sept. 21, 1841.

MENSA. ERRORS. The company from Santa Fe arrived some short time since, as doubtless you have heard ere this. Only one or two of the old traders have returned; the majority of the party being composed of those who freighted out goods in the spring. Some Spaniards accompanied them for the purpose of taking out the remaining cargo of the season; they brought it along with them 70 or 80,000 dollars, and a quantity of valuable furs. The trip has been the most expeditious one ever performed. No news had been received at the time of the departure of the Texian expedition. A ready submission on the part

John L. Prouty, 26 Nov. 1838 Hamilton.
Wm. Pease, 2 March, 1839 Tancay.
Chas. W. Bennett, 10 April, 1839 Wolcott.
John L. Stull, 1 June, 1839 Exing.
Edward Smoot, 24 July, 1839 Duane.
Wm. M. Wilson, 24 July, 1839 W.O. Baltimore.
J. G. Freshwood, 23 Oct. 1839 W.O. New York.
Nicholas Austio, 24 Oct. 1839 Vigilant.
John M. Jones, 16 Dec. 1839 Morris.
George Hays, Jr., 17 Feb. 1841 Locust.
James H. Jones, 17 Feb. 1841 Wolcott.
W. O. Walling, order.

Stations of the Cutters.
Alert, Capt. Whitcomb, Eastport, Me.
Morris, Capt. Walden, Portland.
Hamilton, Capt. Sturgis, Boston.
Vigilant, Capt. Mather, Newport, R. I.
Ward, Capt. Houghton, Wilmington, Del.
Woodbury, (repairing at Baltimore).
Taney, Capt. Polk, Norfolk.
Crawford, Capt. Currier, Savannah.
Duane, Lieut. C. B. Beauffort, Mobile.
Jackson, Capt. Fatio, New Orleans.
Note. Cutters Knapp, Erie, Fenwick, Virginia.
Erie, Fenwick, Madison and Van Buren, temporarily withdrawn from revenue duties, and now employed on the coast of Florida, under the orders of the navy department. Cutters Washington and Galatin employed in the coast survey, under the officers of the navy. [Army & Navy Chronicle.]

HONE SQUADRON. The Philadelphia American says that this squadron is to be composed of the following vessels: The Independence, Razer, theigate Commodore, the sloops of the frigates Commodore and the brig Boxer, the schooner Grampus, and the two steam frigates, Mississippi and Missouri.

Orders have been sent to the Philadelphia navy yard for the construction of two steamers of the medium size, carrying six hundred tons. One of them is to be propelled on the principle of the Archimedes screw.

Commander Charles Williamson is ordered to the Warren sloop of war, just out of dock at Norfolk.

FOR COMMODORE. The Army and Navy Chronicle says: The singular and unusual spectacle is now presented, of four commodore flags flying at the same time in the harbor of Norfolk and its vicinity: There are

The Delaware, No. 80, bound to the coast of Brazil, the flag ship of Commodore Morris, who being senior and within signal distance is entitled to the blue pennant.

The frigate Macedonian, flag ship of the West India squadron, Commodore Wilkinson, who, being next in rank, hoists the red.

The frigate United States, the flag ship of the squadron destined to the Pacific, Commodore Thomas Ap Catesby Jones.

The navy yard at Gosport, under the command of Commodore W. Branford Shubrick, who is junior to the other three.

The U. S. brig Concorde, lieutenant commanding L. M. Powell, engaged surveying Nantucket Shoal, was at anchor near the shore at the commencement of the late gale, and obliged to put to sea. During the gale she lost spars, boats, a bow anchor, and threw her guns overboard. When the gale broke up, she was off Barnegat. She has returned to Nantucket.

ANOTHER GEDNEY CHANNEL. We learn from the New York American that another illustration, if one were wanted, of the advantages to the country afforded by the United States coast survey, under the direction of F. R. Hassler, has been furnished within a few weeks by the discovery of a new channel into the Delaware bay by commander Thomas R. Gedney of the brig Washington.

This channel runs in a W. S. W. direction from Cape May, at about a quarter of a mile wide, has 17 feet in it at low water, and saves the circuitous course around the overfalls, of vessels bound into the Delaware from the northward.

PACIFIC SQUADRON. The Army and Navy Chronicle says that commodore Thomas Ap Catesby Jones was appointed on the 23d ult. to the command of the United States squadron in the Pacific Ocean, and will hoist his broad pennant on board the frigate United States at Norfolk.

The U. S. brig JEFFERSON, having undergone thorough repairs at Mobile, sailed from thence on Thursday week for Indian Key, to join the squadron under the command of Lieut. McLaughlin, and proceed to the everglades of Florida, to act in concert with the army against the Indians.

The French ships of war, which have been lying in Hampton Roads for the last six weeks, have sailed

for Martinique. During their stay in our waters not a man was lost by desertion or sickness.

THE KAMSCHATKA. This magnificent steam frigate went to sea, says the New York Tribune, in charge of her gentlemanly commander, Capt. Von Shantz. A party of one hundred ladies and gentlemen went on board and accompanied her to the Hook, which she left amid the hearty cheers of the company. With only two inches of steam she made the excursion from the city to the Hook, a distance of sixteen miles, in two hours, to the entire satisfaction of all on board.

The only passengers on board the Kamschatka, on her outward passage, are Mad. Von Shantz, Geo. H. Schuyler, one of the contractors, and James A. Hamilton, esq. The frigate carries in her machinery and construction, 200,000 pounds of copper, 50,000 of wrought and 300,000 of cast iron, and employed 250 men for eight months in building.

STATES OF THE UNION.

MAINE.

SHIP-BUILDING. Ship-building has never been carried on so extensively in Maine as during the present season. Many large and valuable ships have been recently launched, and many others are now on the stocks in most of the seaport towns. And these ships are generally built of the best seasoned white oak from the middle states, of fine models, the hulls of which are finished in beautiful style.

Among the ships now on the stocks, are two at Newcastle—one of 750 and another of 800 tons; these are both elegant specimens of merchant ships. At Bath, the ship Hannibal, of 650 tons, is almost ready for launching. The ship South Carolina, of 760 tons, was launched some days since, and the ship Rappahannock, of 700 tons, is in the same state. This is the largest merchantman ever built in the United States. Her length on deck is 180 feet, her beam 37 feet, and her depth 23 feet 4 inches, and she measures about eleven hundred and forty tons! The ship is thoroughly built of Virginia white oak and Georgia pine.

Last week two large ships were launched in Belfast, Me. which for beauty of model, workmanship, materials and strength, are almost unequalled. One is called the Octavius, of 600 tons, the other the Dembaron, of about 550 tons.

In Bangor a large and substantial built barque was launched last week, and Gen. Veale has on the stocks a large ship ready for launching.

At Brewer's village there is a splendid ship on the stocks, another at Blue Hill, and another at Bucksport.

The ship carpenters in Bangor have launched several smaller vessels, of between one and two hundred tons, and there are three or four others in the vicinity that will be launched very soon.

A new barque was launched on Tuesday in south Boston—she is to be called the "Carib."

MASSACHUSETTS.

THE WESTERN RAIL ROAD. The Boston Atlas says, the directors, in their annual report to the legislature in February last, gave assurance that the entire road to the state line would be open for use by May 1st.

Notwithstanding the difficulties of the work, we think the Western road is an anomaly in the history of rail roads, the track having been laid down on Saturday last through the great cut at the summit and the entire line opened, for freight and passengers, eight months in advance of the time predicted. The revenue we learn, is fast increasing, and amounts to about \$15,000 for the months of August and September—a large item for an unfinished work.

In November next the Albany and West Stockbridge road will be opened, thus carrying the line through to Albany, when the revenue will receive a great impetus. At least \$150,000 interest is saved to the public by accelerating the completion of this great work by so long a period as eight months.

AMERICAN WOOLLENS. In our notice, says the Boston Atlas, of American woollens, at the fair, we omitted the broadcloths and cassimeres of the *Mid-dlesex company*, for many years standard fabrics, all purchased for by our own, as well as by distant purchasers.

The Middlesex company is the only woollen establishment in Lowell, and was built and we believe is managed by Messrs. Lawrence & Stone, and different from most woollen mills, is said to be productive to the proprietors.

The quantity of wool consumed by them, is 3,000 lbs. per day, equal to 2,300 yards of cloth, of single width, by far the largest amount produced by any one establishment in the country.

THANKSGIVING DAY. Governor Davis has issued his proclamation appointing the 25th of November next as a day of thanksgiving and praise.

THE LATE RAIL ROAD ACCIDENT. We have conversed with the Rev. Mr. Horton, a clergyman of the Methodist church, late of Lowell, but now resident at Providence, who was in the western rail road train at the time of the recent disaster. He describes the scene as awful, beyond the power of description. Mr. H. was in the car immediately succeeding the tender. The roof of that car was raised, and the tender was driven through the whole length of it, to the end of it, which was against the next car—and the baggage car, instead of being in front, as it should have been, to receive the shock, was in the rear, to resist the retrograde impulse of the train, and thereby increase the danger of the passengers. One of the gentlemen who signed the card in our paper of yesterday, overheard a conversation between Mr. Moore, the conductor of the train, and another person—in which Moore was urged not to go on until the arrival of the western train at Westfield—in reply to which he stated that his orders were to go on, and go he must.

The gentleman who overheard this conversation, being in a great state of alarm at the apprehended collision, took his station on the outside of the train, fearing the contact be leaped from the train, and thereby saved his life. The accident occurred seven miles from Westfield, at the junction of two curves of the road, where it was impossible for either train to have seen the other at a further distance than a few rods. Our reverend informant, Rev. Mr. Porter of this city, and the Rev. Mr. Lee, of Lowell, were thrown, with great violence, upon a heap of stones by the road-side—and the car in which they were seated was so completely demolished, that it is almost miraculous that these gentlemen escaped with their lives. The Rev. Mr. Porter attributes the blame to Mr. Moore, the conductor, than his acquiescence in being the agent to execute such atrocious orders. [Atlas.]

RHODE ISLAND.

MR. NICHOLAS BROWN, of R. ISLAND. The death of this venerable gentleman, looked upon by the people of that state as a public calamity. He was a most generous and liberal man, and during a long life maintained a character among his fellow citizens without spot or blemish. His contributions during life to the Rhode Island college, latterly called Brown university, amounted to \$100,000. Other institutions have received the advantages of his munificence in a greater or less degree.

CONNECTICUT.

THANKSGIVING. Governor Ellsworth, of Connecticut, has appointed Thursday, the 25th of November next, to be observed in that state as a day of public thanksgiving.

NEW YORK.

THE UNIVERSAL GERALD CONVENTION, was recently held in New York. It was attended by 95 clergymen and some 500 laymen from all the states south to Maryland and west to Ohio. The occasional sermon was preached by Rev. T. J. Sawyer, the closing discourse by Rev. O. A. Skinner, of Boston. The convention adjourned to meet in Providence, R. Island, on the third Wednesday in September, 1842.

ATLANTIC BASIN, BROOKLYN. Hunt's Merchants' Magazine contains an interesting paper on "commercial docks." Among the subject touched upon is the Atlantic dock, now in process of construction. The capital to be expended is \$1,000,000. 100,000 are authorized to commence the work when 100,000 have been subscribed and paid in. This requisition has been complied with, and operations have already been commenced. The scope and intention of this important work renders it probable that the business and prosperity of our city will receive from it a new and powerful impetus.

The object of the company is to construct piers and bulkheads, forming a basin to embrace a water surface of about forty-two acres, to be surrounded by rows of spacious warehouses, to which any class of vessels, from the large ship of war down to the Erie canal boat, may be accommodated, and receive freight, and where they can enter, at any stage of the tide, and remain in perfect safety, in all kind of weather, in every season of the year.

This work is located between Governor's Island and the L. I. shore, and is situated about one and a half miles from the city, and is on the edge of the street. The location has been selected after thorough and careful soundings, and an examination of the ground under water, which was found easy for excavation, and free from rock; and also after consid-

dering its relative position and advantages to all the locations in and about this port. The situation of New York, Brooklyn, and Jersey City, have all been examined by experienced and scientific gentlemen, and the result is, that the present location possesses many superior advantages over any other; being easy of access, and a short distance from the centre of business in New York. The distance of this location from the centre of business, and being on the opposite side of the river, cannot be deemed an objection as it is not without precedent in other similar works.

The whole work is under contract, and one half of the piers and bulkheads will be ready for the erection of warehouses, and one half the basin will be ready for use on the 1st of May, 1842. The land and water right designed for this purpose, embraces about 80 acres. The piers are to be constructed 150 feet wide, forming the front of the basin on the stream, divided by an entrance 200 feet wide. The depth of water in a portion of the basin at low tide is to be 25 feet, and on the outside of the pier as well as in the basin, the depth will be sufficient to moor the largest class of steamships or merchant vessels.

[Brooklyn Daily News.

A NEWLY DISCOVERED SALT SPRING. A salt spring has been opened in the town of Galen, county of Wayne, about fifty rods from the Erie canal, on the land of the Rev. Dr. Judd, of Ithaca, with the finest prospect of the best of brine, and even better than is evidenced by comparing the borings in Europe, and the late boring near Abingdon, in Virginia, with the report of the engineer employed at Galen. The diameter of the tube bored is 4 inches, 320 feet deep. The vein is strong, and continues to run profusely over the tube, destroying all vegetation within its reach. It is uncommonly pure, producing the finest salt without the use of lime. The brine is forced up by the gas with a violence known no where else.

THE GENERAL CONVENTION of the Protestant Episcopal church assembled in St. Paul's chapel, New York, yesterday (Wednesday) morning, at 10 o'clock. Morning prayer was offered by the Rev. D. Lyell, of New York, assisted in the lessons by the Rev. Dr. Froal, western New York. The anti-communion service was read by the Rev. the bishop of the eastern diocese, and the holy communion was administered by him, assisted by all the bishops. The usual sermon was preached by the right rev. the bishop of New York, and was an able vindication of the 17th article of the church against any supposed Calvinistic tendencies.

The two houses then proceeded to organize. All the bishops were present, with the exception of bishop Meade, who arrived during the morning and will no doubt take his seat to-day. The Rev. Dr. Wainwright was elected secretary to the house of bishops.

In the house of clerical and lay deputies, the Rev. Dr. Wyatt was appointed president pro tem, and the Rev. Dr. Anthon secretary pro tem. A committee was then appointed to report on the testimonials of deputies, and upon their report it appeared that nearly all the dioceses were represented. A motion was then made to go into the election of president and secretary, when the rev. gentlemen who had been appointed to fill the offices temporarily were respectively elected to them. After several of the usual preliminary resolutions, both houses adjourned to meet this morning at 9 o'clock, at St. John's chapel.

[N. Y. Amer.

RAIL ROADS AT AUCTION. It is stated in the Albany Argus, that the comptroller advertises to sell at auction, next April, the Catskill and Canajoharie, and Ithaca and Owego rail roads. Both are to be sold for default in pay the interest on the stocked loan to aid in their construction.

NEW JERSEY.

COLLEGE OF NEW JERSEY. The annual commencement of this institution took place on Wednesday last. The degree of A. B. was conferred upon fifty-seven young gentlemen of the senior class, and the degree of A. M. upon 36 young alumni of the institution.

The honorary degree of L. L. D. was conferred on the hon. Joseph C. Hornbrouker, of Newark, hon. David L. Swain, president of the university of N. C. The hon. degree of D. D. was conferred on the Rev. Robert S. Candlish, of Edinburgh, Scotland, and the hon. degree of A. M. upon the Rev. David A. Frame, of Bloomfield, N. J.

ELECTION. The state election took place on Tuesday and Wednesday last; we have as yet but few returns which evince a great falling off of the number of votes since last year. The general result appears

to be in favor of the whigs, but by greatly reduced majorities.

LAYER. The following table copied from the U. States Gazette of this morning, comprises the full returns of the state.

Council.	Assen.	Council.	Assen.
Whig.	Whig.	Van Buren.	Whig.
Cape May,	1	4	0
Morris,	1	4	0
Salem,	0	1	2
Somerset,	1	3	0
Cumberland,	1	3	0
Middlesex,	1	4	0
Atlantic,	0	0	1
Monmouth,	0	0	1
Gloucester,	0	2	1
Burlington,	1	5	0
Hunterdon,	0	0	1
Mercer,	1	3	0
Warren,	0	0	1
Sussex,	0	0	1
Essex,	1	7	0
Passaic,	0	1	1
Hudson,	1	1	0
Bergen,	0	0	1

There is a tie in the council, and a whig majority of twelve in the assembly.

The legislature of New Jersey will elect, by joint ballot, a governor, a chief justice, a state treasurer, and a host of minor officers.

The increase of population, as shown by the late census, gives Essex county two more assemblies than last year, Hunterdon one increase, Mercer one do. Monmouth one do. Consequently the new assembly will comprise 58 members. Last year 53.

PENNSYLVANIA.

ELECTIONS. The election for governor, state legislature, and a member of congress in place of Mr. Sergeant, took place on Tuesday last. The returns received leave no doubt whatever of the re-election of Governor PORTER, (Van Buren), by a large majority, and of a decided Van Buren majority in the legislature.

We have the complete official returns of Philadelphia city. They are as follow:

Whig.	For Governor.	Van Buren.
Banks,	5,930 Porter,	4,380
Igersoll,	5,332 Pettit,	4,596
Scott,	5,658 Badger,	5,000
Morris,	6,139 Hutchinson,	3,944

MARYLAND.

The vote for a governor, to serve for three years from the first Monday of January next, and of delegates to the general assembly, took place on Wednesday, the 6th instant. We insert such returns as we have received, where they include an entire county.

There was also a state senator elected for the city of Baltimore in place of Mr. Howard, resigned.

BALTIMORE CITY. The following is the aggregate votes given in the city of Baltimore, at this and the three preceding elections.

October, 1840,	Whig.	V. B.	Total.
Novem. "	7,295	7,336	14,631
May, 1841,	6,443	6,466	12,909
October, "	6,386	7,427	13,813

Van Buren ticket.

Governor.	Senator.	Delegates.
Wards.	Thomas.	Frick.
1st	410	409
2d	449	453
3d	574	574
4th	453	457
5th	585	582
6th	531	533
7th	508	511
8th	505	514
9th	679	679
10th	354	357
11th	515	519
12th	592	595
13th	638	637
14th	642	646

7,435 7,463 7,400 7,431 7,431 7,431 7,393

Whig ticket.	Governor.	Senator.	Delegates.
Wards.	Johnson.	Law.	Barnes.
1st	403	404	403
2d	341	343	345
3d	380	379	378
4th	606	604	606
5th	472	469	472
6th	190	188	191
7th	346	347	345
8th	851	937	942
9th	331	331	332
10th	488	485	489
11th	689	685	684
12th	374	373	374
13th	439	436	435
14th	313	309	308

6,386 6,350 6,365 6,388 6,353 6,339 6,344

BALTIMORE COUNTY.

Whigs.	1,414 Thomas,	2,318
For Governor.	Van Buren.	
Howard,	1,380 Walker,	2,386
Kilbourn,	1,242 Poultey,	2,263
Merryman,	1,139 Randall,	2,241
Turner,	1,132 Risteau,	2,300
Jackson,	982 Hook,	2,253

ANAPOLIS CITY.

Whig.	181 F. Thomas,	112
For Governor.	Van Buren.	
Wm. C. Johnson,	174 R. Welsh, of B.	114
John Johnson,	ANNE ARUNDEL CO. CO. CO.	

For Governor.

Whig.	1,106 Thomas,	1,364
For Governor.	Van Buren.	
Johnson,	1,104 Owens,	1,383
Worthington,	1,087 T. D. Dorsey,	1,372
Compton,	1,077 Sellman,	1,369
M. Dorsey,	1,010 Hammond,	1,359
Ridgely,	St. Mary's County.	

For Governor.

Whig.	743 Thomas,	450
For Governor.	Van Buren.	
Johnson,	753 No opposition.	
Causin,	639	
Sutton,	617	
Hopewell,	529	
Dunkinson,		

For Commissioners.

Gough,	196 Morgan,	207
Sewell,	184 Miles,	132
Shanks,	157 Carroll,	52
Crane,	92 Sotheren,	48
Harrison,	81 Wood,	25

CARROLL COUNTY.

For Governor.

Whigs.	1,443 Thomas,	1,618
For Governor.	Van Buren.	
Johnson,	1,426 Powder,	1,645
Reese,	1,422 Boyle,	1,607
McCollum,	1,404 Davis,	1,610
Ecker,	1,365 Stull,	1,591
Thomson,	WASHINGTON COUNTY.	

For Governor.

Whig.	2,196 Thomas,	2,346
For Governor.	Van Buren.	
Johnson,	2,321 Grove,	2,349
Zeller,	2,203 Spencer,	2,343
Fletcher,	2,185 Lyday,	2,379
Claggett,	2,150 Hollman,	2,336
Oh,	FREDERICK COUNTY.	

For Governor.

Whig.	2,583 Thomas,	2,789
For Governor.	Van Buren.	
Johnson,	2,611 Simmons,	2,814
Doub,	2,600 Staler,	2,802
Johnson,	2,598 Geyer,	2,786
Ramsburg,	2,570 Biser,	2,777
Hughes,	2,568 Schley,	2,755
Simmons,	HARVARD COUNTY.	

For Governor.

Whig.	1,114 Thomas,	1,151
For Governor.	Van Buren.	
Johnson,	1,092 Sutton,	1,224
Billingslea,	1,091 Hoge,	1,175
Hopkins,	1,074 Johns,	1,198
Nelson,	1,066 Boulton,	1,120
Stump,		

KENT COUNTY. For Governor.			
<i>Whig.</i>	<i>Van Buren.</i>		
Johnson,	597	486	
<i>For Delegates.</i>			
J. A. Gale,	543	Cann,	507
T. M. Sutton,	533	Shaw,	501
R. M. Gale,	579	Hurt,	492
ALLEGANY COUNTY. For Governor.			
<i>Whig.</i>	<i>Van Buren.</i>		
Johnson,	1,035	1,089	
<i>For Delegates.</i>			
McKaig,	1,030	Buskirk,	1,105
Sawin,	1,046	Duchman,	1,083
Ridgely,	1,019	Prantz,	1,003
TALBOT COUNTY. For Governor.			
<i>Whig.</i>	<i>Van Buren.</i>		
Johnson,	682	774	
<i>For Delegates.</i>			
Harrington,	674	Sherwood,	777
Goldsborough,	671	Wills,	790
Tighman,	667	Lowe,	776
<i>For Commissioner.</i>			
Corkrall,	678	Arringdale,	768
CECIL COUNTY. For Governor.			
<i>Whig.</i>	<i>Van Buren.</i>		
Johnson,	1,188	1,295	
<i>For Delegates.</i>			
Roman,	1,183	Forwood,	1,291
Wilkinson,	1,164	Owens,	1,289
Rawlings,	1,180	Knight,	1,303
DORCHESTER COUNTY. For Governor.			
<i>Whig.</i>	<i>Van Buren.</i>		
Johnson,	1,142	816	
<i>For Delegates.</i>			
Eccleston,	1,105	Jackson,	845
Traverse,	1,090	Cannon,	829
Nicols,	1,094	Hopper,	820
Richardson,	1,081	Ennals,	794
<i>For Commissioners.</i>			
Muir,	1,100	Mobray,	832
Newton,	1,029	Georgegan,	827
Harrington,	1,086	Cook,	831
QUEEN ANNE'S COUNTY. For Governor.			
<i>Whig.</i>	<i>Van Buren.</i>		
Johnson,	702	721	
<i>For Delegates.</i>			
Hooper,	700	Carmichael,	733
George,	693	Bryan,	732
Paca,	672	Newnam,	700
<i>For Levy Court.</i>			
Ashcum,	682	Story,	739

GOVERNOR—RECAPITULATION.

Es.	Harrison.	Van Buren.	Johnson, W.	Thomas, Op.
	1,371	1,093	1,035	1,089
	-	-	181	113
del	1,604	1,384	1,106	1,364
city	7,296	7,326	6,386	7,435
county	1,941	2,620	1,414	2,318
	494	325	80 mj.	551
	687	335	605	535
	1,448	1,610	1,418	1,618
	1,448	1,314	1,183	1,297
	841	502	613	430
	1,381	839	1,142	816
	2,958	2,623	2,583	2,789
	1,342	1,248	1,114	1,151
	476	676	397	486
	1,059	665	969	733
arge	1,017	699	608	421
e's	778	661	702	721
	1,516	844	323 mj.	
	895	415	713	450
	749	682	653	776
n	2,184	2,290	2,196	2,346
	1,494	691	594 mj.	
	33,528	28,752	26,246	26,902
	28,752			26,246

The majority according to some statements is made out 505; we shall be able to ascertain the exact state of the case when the official returns are published.

ASSEMBLY—RECAPITULATION.

The house of delegates stands as follows: 1840.			
1841.			
Counties.			
<i>Whig.</i>	<i>Opposition.</i>	<i>Whig.</i>	<i>Opposition.</i>
Alleghany	3	1	0
Annapolis city	1	0	0
Anne Arundel	4	0	4
Baltimore city	0	5	0
Baltimore county	0	5	0
Calvert	3	0	3
Caroline	3	0	3
Carroll	3	4	4
Cecil	3	0	3
Charles	3	0	3
Dorchester	4	0	4
Frederick	5	0	5
Harford	2	2	0
Kent	2	0	3
Montgomery	4	0	4
Prince George's	4	0	4
Queen Anne's	3	0	2*
Somerset	4	0	4
St. Mary's	0	3	0
Talbot	0	3	0
Washington	4	0	4
Worcester	4	0	4
	60	19	37
	19		35

Whig majority 41 Opposition majority 6

CONVENTIONS. On the 30th of this month the military convention is to meet in Frederick; and, on the 30th there is to be a temperance procession and convention at the same place, on which occasion all the county temperance societies are invited to join in.

THE WATER CANAL TRADE. Statement of property shipped at Wrightsville southward for the quarter ending September 30th, 1841:

Articles.	July.	August.	September.	TOTAL.
Flour, bbls.	7,250	4,659	6,667	19,010
Wheat, bushels	70,644	46,661	60,975	168,280
Indian, bushels	36,047	41,668	30,202	107,917
Corn and p. & do.	194	194	306	694
Grass seeds do.	5,723	5,723	40,294	51,740
Barley do.	784	39,344	739	40,867
Burnt do.	4,348	953	1,284	6,585
Fisheries do.	6,000	1,700	1,700	9,400
Wool do.	6,000	1,700	1,700	9,400
Tobacco do.	6,000	1,700	1,700	9,400
Flour, barrels	6,000	1,700	1,700	9,400
Wheat, barrels	6,000	1,700	1,700	9,400
Indian, barrels	6,000	1,700	1,700	9,400
Corn and p. & do.	6,000	1,700	1,700	9,400
Grass seeds do.	6,000	1,700	1,700	9,400
Barley do.	6,000	1,700	1,700	9,400
Burnt do.	6,000	1,700	1,700	9,400
Fisheries do.	6,000	1,700	1,700	9,400
Wool do.	6,000	1,700	1,700	9,400
Tobacco do.	6,000	1,700	1,700	9,400
Flour, barrels	6,000	1,700	1,700	9,400
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Fisheries do.	6,000	1,700	1,700	9,400
Wool do.	6,000	1,700	1,700	9,400
Tobacco do.	6,000	1,700	1,700	9,400
Flour, barrels	6,000	1,700	1,700	9,400
Wheat, barrels	6,000	1,700	1,700	9,400
Indian, barrels	6,000	1,700	1,700	9,400
Corn and p. & do.	6,000	1,700	1,700	9,400
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Corn and p. & do.	6,000	1,700	1,70	

may be the common or commonest, have produced this great popular excitement, it is to you and I nothing: neither you or I have any concern with them, except to shut our eyes and our ears and to close every avenue to our minds against them. If possible, we should suppose that we are alone in the world, and that no other eyes are looking to see that there is around us any ear to hear or any eye to see, save that alone of the all-seeing God or justice. My duty, gentlemen of the jury, like yours, is as plain and as easy to be discerned as it is difficult to be performed. To array and present to you, to examine, to cross-examine, to impeach and to defend, to bear against the life of a human being is always a painful duty. But it is a duty as peremptory and paramount as it is painful. But, gentlemen of the jury, thank God it is no part of my duty to attempt to blind, mislead, or to deceive you. I am not required to uphold any principle which I do not believe to be law, or upon any evidence which I do not believe to be true. The task to which my oath binds me is with a calm, resolute and unshrinking mind, to elicit the truth, and place it before you. The task in this case is a task which has been so often and so often judged in many quarters by unfounded and absurd rumors—prejudiced in all quarters by the fears, the interests and the passions of men, which it has excited—a task which overwhelms me with a sense of the greatness of my responsibility and an inadequacy of my own faculties, and I am constrained, with unfeigned humility, to throw myself upon your indulgence, and pray you not to let the cause of justice suffer for want of power in the people's advocate. If, from base fear or ignominious weakness, I do not rest the cause with the vigor and fervor which I desire, I pray you to rebuke my own weakness, let my truth be crushed by error. On the other hand, if in my efforts to sustain my cause against the powerful array of talent and eloquence which is enlisted on behalf of the prisoner, I should appear captious or overzealous, or set myself against him, I pray you, let me be rebuked by his humanity, the truth and justice of the case presented before you.

On the charge of the jury: The indictment which the grand jury have found, and which is now presented for your consideration and investigation, charges Alexander McLeod with having murdered, on the 29th December, 1837, Amos Durfee. This charge is presented in various forms or counts, seventeen in number. The facts are presented in such various forms in order to meet the testimony as it will be presented. The first count charges the prisoner with having assaulted Amos Durfee, and with a gun, loaded with powder and one leaden bullet, shot the said Amos Durfee, and thereby caused his death.

The second count states the same facts as the first, but states that it was done with a pistol, instead of a gun. The third count states that it was committed by John Mosier, and that Alexander McLeod was present and aiding. Mr. Hall then proceeded to enumerate the various counts in the indictment, the substance of which, and all the charges in it, he said were the same. He then read the indictment in full, and of this state, while in the county of Niagara, in this state, was killed by the prisoner at the bar, or by some persons with whom he was nearly or immediately connected and assisting. To sustain this indictment it will be proved before you that on or about the 28th of December, 1837, an American steamboat, called the Caroline, a boat of about 30 or 40 tons, was on the Niagara river, about 12 or 15 miles below Buffalo Falls and 2 miles above Niagara Falls. The boat was manned by American citizens, regularly enrolled at the custom house of Buffalo, according to the laws of the United States, and had a regular license from the collector of that port to ply between Buffalo and Schlosser. At that time, gentlemen of the jury, some 200 or 300 Canadian militia, armed with muskets, bayoneted rifles, and which they possessed and claimed, and held in the name of the provisional government of Upper Canada. There had been great excitement in Canada, and this excitement extended all along the border. Efforts were made by the Canadian insurgents to enlist our citizens in their cause. The fugitives from the terrible massacre at St. Eustache, at St. Esprit, and at Montreal, had been hurried and driven to the shores of this state, and were driven into the snows of a Canadian winter, found no difficulty, when telling the tales of their direful suffering, in enlisting the feelings and sympathies of our frontier citizens. And it was an easy and natural step from being sympathizers with the sufferers to sympathize with their cause, and now stimulated, and urged on by the loss of our young men, and our surgeons on Navy Island.

Great Britain has complained of this act, and many of our most judicious citizens have looked upon it as a great fault. It is no part of my case or design to vindicate the patriots or insurgents, but

It may not be irrelevant to state thus far, that our citizens who, without forming themselves into any military body on our own soil, but single handed and alone left our territory and united themselves with a foreign power; by doing so they violated no law of this state or of the United States, or the law of nations. They have done no more, gentlemen of the jury, than has been done by every nation on the face of the earth.

Your own recollections of history will give you numerous examples. The Swiss served in every army of Europe; and who ever complained of them for ever thought of holding them responsible? When Lord Cochran assisted the states of South America, or Lord Byron, by devoting his life and fortune to aid the Greeks in their struggle for liberty from Turkish bondage, did any person ever complain of them, or pretend that they were aiding a lawless rebellion? No, we did not, and no country complain when the great, good and glorious Lafayette devoted his life to his love of liberty, and gave his princely fortune and himself to assist the patriots of our own soil.

It will appear, from testimony, that the objects of the owner of the Caroline were totally of a different character. The collection of people at Navy Island had excited great curiosity. At that time of the year the lake and canals were closed with the ice, and the people were not allowed to come from their labors. Winter was set in, and the farmers and laborers were released from their toil. It was at the time of the Christmas holidays, and they had congregated at Schlosser, which was the nearest point to Navy Island. Was it extraordinary that the people of the neighborhood, and some of our eastern brethren, should see an object of enterprise in the circumstances which then existed in his neighborhood? Such was the fact. Mr. Wells said that great curiosity was drawing persons to Navy Island, and one of whom was connected with the insurgents at that place, and Mr. Wells was not to be taken in by such a man. Such was their lying tale, and unprofitable at Buffalo. With this idea, and intending no offence against God or man, he started

from Buffalo Schlosser. He stopped at the intermediate landings of Grand Island, Navy Island and Schlosser. After reaching Schlosser, about 2 o'clock he crossed to Navy Island, made two trips that day to the steamer, carrying passengers and mail, and then returned to Buffalo. The other ferry had been ordered to make this passage. It will appear that among the articles on board the *Caroline* was a cannon. Much stress has been, and probably will be laid upon this, in the course of this trial; and I now pause to comment on that, in order that you may be enabled to make it of this kind should have on the case. It was an articles which the vessels of nations who are not at war are forbid to carry, under penalty of forfeiture and no other. If a neutral vessel is taken in possession of articles which she is forbidden to carry by the laws of nations, the vessel is entitled to be released and the articles liable to be seized or molested. This applies to the high seas, the common proper of all nations. At the same time when this vessel was passing between Schlosser and Navy Island, a ferry boat was plying between Buffalo and Waterloo, on the Canadian waters, and the Canadian army was fed from the American shores. And there, again, (I do not say it with pride,) American citizens were found in the ranks of the British army in Canada, and this at a time when it was charged that the interference of our citizens was prohibited. I have intentionally made—a charge which is not founded in fact.

After having made these trips, the stevedores, who had rolled the lumber at Fort Schlosser, as it is called, were not deceived, gentlemen, by the name; there is no fort there; the site of the old fort is now covered by luxuriant corn, and the only two houses near it were a warehouse on the end of the wharf, and Field's tall, narrow house, which was the only one of its kind in the place. Within two miles of the place. At this tavern, which was the only house in the neighborhood, hundreds of persons were congregated, and applied to Mr. Wells for permission to lodge on board the Caroline, in consequence of not having been permitted to do so by the military authorities in accordance with which, some eighteen or twenty took up their lodgings on board the boat that night. This boat was not armed, had no equipment of her own; none of her men were armed, nor were any of those who went on board that night armed, and the persons on board retired to repose, unsuspecting of danger as they were unconscious of war. About twelve o'clock (the testimony may vary from half past eleven to one o'clock) they captain was aroused by the watch, who told him that the boat was being menaced by a landing party. Soon a noise of tramping and shouting was heard, and the men aroused

from their shelters, rushed forth, with what articles of clothing were at hand. They rushed for the companionship, the gangway, and every avenue that might afford chance of escape for their lives. Some were so fortunate as to escape; others were met by armed men, who then shot them down. Others escaped, but were severely wounded, yet they were not killed. It is but too probable, gentlemen of the jury, that there were others who alarmed at the sudden on-set, by the cries and shouts, by the firing of pistols and the cries of "no quarters," and apprehensive of being put to death, secreted themselves around the boiler and other places, and awaited the rushing of the flames, and left only to meet the rushing of the flames, and left with bewildering horror to the roar of Niagara.

But, gentlemen, those who had escaped from the boat had not thereby escaped from danger. Some who had escaped their assailants on the deck were pursued into the warehouse, which was searched with lights to ascertain, in the language of themselves, "if some of the d—d Yankees were not there." Amos Durfee, whose sad fate is the immediate cause of your return on the boat, with a ball shot through his head, the gun or pistol being fired so near him that the cap on his head was singed with the flame of the gun with which he was shot. He was doubtless shot at the spot, and died instantly of his wound. It will appear before you, gentlemen, that the assailants who committed this bloody deed were a band of armed men, between forty and sixty in number, and that they were not a secret and volunteer expedition, got up for the purpose of destroying the Caroline.

At that time, gentlemen of the jury, there was on the Canada shore an army of 2,500 men, who were collected on the occasion of the seizure of Navy Island by a body of insurgents. They were there to defend the shore against the attack of the British by the insurgents. From this it has been alleged that it was a transaction more of a military than of a civil character; that, being so organized, it was not to be governed by the rule which prevails in civil cases. I have already said that I do not follow that line of prevarication. It is right, gentlemen, that your minds should be disencumbered from all questions of that kind, and to that end I present this case broadly, in order that, when the evidence comes before you, you may be able to decide upon it as a case of civil law, and therefore submit to you the decision of the supreme court of this state in the case, given on a statement of facts submitted by the affidavit of the prisoner himself—a decision given in a case of this kind, and after great deliberation, which has given great and noble honor to the judiciary of our state. After that decision, that question is entirely disposed of, and the only question left to you is, whether the prisoner is a resident of this province, to decide he is or is not, as you are pointed out to you.

[Mr. Hall then read the very able opinion of Judge Cowan, delivered before the supreme court in New York, which has already been published.]

Mr. Halliday continued: Gentlemen, let me now call your attention to what has been decided, in the case. The supreme court has decided, in the first place, that it was not to be governed by the laws of war, nor by the laws of Canada, but by our own civil laws. Therefore the question before us comes down to this: Did the accused commit a murder, and was put upon his trial for the murder, in accordance with the cognizance of the same laws under which we all live. It has been decided, secondly, that no order from the British government can justify, excuse, or palliate. Another point is that in order to excuse the act on the ground of self defence or of defending the country, it must have been done to resist an immediate, dangerous and pressing assault.

The offence was committed against our laws alone and not against the laws of any other country. Elton has been shed upon our soil, and we are responsible for it, and no other people; and if he cannot be punished here he cannot be punished in Canada. He has violated no law of Canada, no law of the U. States. Here, and here alone, the avenger of blood calls upon you, if he be proved guilty, to answer for the blood shed with a bloody sword upon our soil. The supreme court stands on the oath of the judges, and in requiring all the statements to be true, and takes ground that Durfee was in arms at Navy Island against the Canadians. This places the prisoner in the same situation as if Van Rensselaer or any other patriot general had been killed instead of Durfee. But the testimony will show you that the man killed had no arms, and that he was as young as you are. It is shown that he was in nowise connected with the insurgents, but that he was there in pursuit of his own lawful business.

The only question left for you to decide is a question of fact. Was the prisoner one of the assailing party in the destruction of the *Caroline* and killed *Durfee*? To that single point you are limited. The questions of law, I have here decided by the supreme court, which you, and this court, and all of us are bound to obey, and it is for you to bear in mind that the testimony as to any other point than proving his presence at the scene, is to be thrown aside as tending only to embarrass you. The question then is, Was the prisoner one of the party who destroyed the *Caroline*? On this point we will examine numerous witnesses, some of whom say that among those who were avowedly of the expedition, the prisoner had declared he was one. We will show that previous to the expedition the prisoner was one of those most actively engaged in getting it up. That the day before he had been to Buffalo to ascertain whether the *Caroline* was coming down to Schlosser. That he took a deep and active interest in the affair, and that on that very evening he was engaged enlisting persons for the expedition. That on several occasions he exhibited a sword, and pointing to blood upon it, said that it was the blood of a *Kankee*. Other witnesses will prove that he saw you go with the boats on the expedition, and others that they saw him on his return from it.

Such is the nature of the testimony showing you what part the prisoner took in the expedition to destroy the *Caroline*, in which Amos *Durfee* met his death. Little more remains for me but to lay down a few simple propositions, which you will keep in your minds in order that you may properly judge the weight of evidence. Having now stripped the case of all extraneous and foreign law, we come to try it by our own law, as it has been administered since we have been a state independent of England, and as it is administered in England.

"Every homicide is presumed to be malicious, and therefore murder until the contrary appear. It is for the accused to show any matter of justification or excuse."

3d. Proposition—*Roscoe's Criminal Evidence*, 651. The malice necessary to constitute the crime of murder, is not confined to an intention to take away the life of the deceased, but includes an intent to do any unlawful act which may probably end in depriving the party of life.

Blackstone's Commentaries, 199—The malice premeditated to murder, is not so properly spite or malvolence to the individual in particular, as an evil design in general, the dictate of a wicked, depraved and malignant mind.

2d Revised Statutes, 546; to the same.

3d Proposition—If an action, unlawful in itself, be done deliberately and with intention of mischief, or good badly hurt to particulars, or if mischief indistinctly, fall it where it may, and if it ensue against or beside the original intention of the party, it will be murder. 2 R. S. same proposition 546.

4th Proposition—*ROSCOE* 640.—In order to convict the prisoner of murder it is not necessary to prove that the crime is given by his hand.

B. C. C. 24.—If he was present, aiding and abetting the fact committed, he is a principal in the felony. The presence need not be [34] an actual immediate standing by within sight, or knowing of the fact.

Section 359.—If several persons set out together, or in small parties, for a common design, be it murder or other felony, or from any other purpose, unlawful in itself, and each takes the part assigned him, some commit the facts, others to watch at proper distances and stations to prevent a surprise or effect, if need be, the escape of those who are more numerous, engaged, &c. they are all, if the first be committed, in the law, principals in the crime. [Read also, the Tensing hunt-house case, 1 Hale, 681, 682.]

These are the principles and rules of law which must govern this case. There can be no dispute about them. They are principles well established; it is only for you to apply these principles of law, full purview of the case, to the prisoner within the *Caroline*. You find him guilty, you find him guilty—these facts: 1st, that Amos *Durfee* was killed; 2d, that he was killed in Niagara county. 3d, by a pistol or musket shot, or a weapon of a similar character. 4th, that he was killed by the prisoner. 5th, that he was killed by those he was knowingly aiding or abetting. If either of these facts are established, your verdict must be one of guilty.

I have endeavored to place the leading features of this case before you, both as to law and as to fact, so far and no farther than it might be understood to apply to this case.

The interests committed to your charge are of inexpressible importance. To the prisoner—his life is in your hands. To the people—they have committed to you the vindication of those laws on which

all our lives depend. If the prisoner is proved guilty, and you find him innocent, you will sap the very foundations of justice.

Gentlemen, this trial must necessarily be long, tedious and painful. Let me urge you to arm yourselves with patience, as you would consult your own lives. You will think of it on your farms—at your firesides—and in your wassie waiting, through the world; and when the last dread hour of regret arrives, when your past lives and reminiscences arise before you—when the dark thoughts of this world are about to be illuminated by a light from eternity, this acts, and then stand forth as one of your most important responsibilities. If from fear, from cowardice, or from any other weakness; if through overlooking, or law and testimony, which you are bound to observe by the solemnity of your oath; if by any unwarranted assumption you attempt to decide upon the expediency of this trial or conviction, the consideration of which belongs to the executive, if by any vain presumption you attempt to weigh the consequences, which belong to God alone; if from any or all of these causes you find a false verdict, at that last dread hour you will bitterly and vainly regret it.

And I will add more to say to you. It is to conjure you, during the whole of this trial, at the beginning and the end, and every stage of it, to keep before you, as if written in letters of fire, the words "be just and fear not."

The case for the defence was opened by Mr. Spencer, as follows:

Gentlemen of the jury. I will here endeavor to open this defence in the manner which has just been suggested by his honor the circuit judge, because, precisely the way in which every defence should be opened, and from which the jury can best appreciate the evidence to be brought before them. I need scarcely say that this is a case of no ordinary character and importance. It is the first of the kind you have ever tried, or in all probability will be again called on to investigate. A solemn duty will be again upon you, and I have not the smallest doubt that it will be fully and faithfully discharged.

The defence which we intend to make is two-fold, thus early, in order that the jury in its double aspect, to direct our conduct of the case as it may develop. In the first place, then, we will inquire whether any murder has been committed at all, and secondly, whether, if that question be answered in the affirmative, whether Alexander *McLeod* was one of the murderers.

The first portion of my defence, we shall conduct with all deference to the opinion of the supreme court, which the learned attorney-general referred to so fully in his opening. We are no strangers to that opinion, nor to the questions presented on the argued gentleman opposite to my supposes, as he said, that the counsel of the prisoner sustained a rebuke, when that opinion was delivered, I avail myself of this early opportunity to say that the counsel have never felt the justice of that rebuke, and it yet remains to be shown that the opinion administered any real rebuke. There are some things in that opinion which, when I first heard them with a very wide circle, that fell upon my ear as a little strange, but there is also very much of that opinion to which I listened with great pleasure. That document is ably written; contains the evidence of great research and profound law of the case. But whether it may sound law of the case or not, and whether the learned counsel now presides on this trial will so regard it, I know not, but I feel bound to conduct this case on the broad grounds of what I consider the true principles of law as applicable to it.

I shall then, in the first place, after a few more facts shall have been made to appear in evidence before you, insist that there can be no such offence as that of murder proved as growing out of the destruction of the *Caroline*. And here allow me to say that in the whole course of my reading, (limited I admit it has been), and in all my experience, I never knew of a case where the evidence of the subject of the case or not, and whether the learned counsel now presides on this trial will so regard it, I know not, but I feel bound to conduct this case on the broad grounds of what I consider the true principles of law as applicable to it.

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The facts, gentlemen, to be adduced, will show that this party which made the attack on the *Caroline*, consisted of the crews of seven boats—six of them containing eight persons, and one containing nine—and which were made up of British provincial soldiers then on duty at Chippewa, or British naval officers then on duty at Chippewa—that Col. McNaughton ordered the expedition—that he acted under the authority of Sir Francis Bond Head, the provincial governor, who was ordered to seek out and destroy the *Caroline*, which he was to do, and that he was to be in the employment of the party on Navy Island, and that he had raised the standard of revolt, fortified their camp, and reared their batteries on the Canadian shore. When this party was thus circumstanced, and at a season of the year when navigation by any other vessel was extremely perilous, that boat came down for the express purpose of being employed by the occupants of Navy Island, and in their service that boat was from day to day engaged.

The boat was then as liable to destruction at Schlosser as if she had been moored at Navy Island, so far as respected individual responsibility. Indeed it was unnecessary to show that the boat was the property of the party of the island, or of those who were continually carried to the island. We shall contend then that the boat, while at Schlosser, was there for hostile purposes as if at Navy Island, and that the British authorities were therefore justified in destroying her there as if she had been at Navy Island, and I ask every American citizen if he would have regarded the destruction of the boat at Navy Island as an offence? Might not the island have been justifiably invaded and the persons on it taken prisoners and slaughtered with the same persons so invading it being chargeable with the crime of murder, or any other offence against the laws whatever? Whether the insurgents on the island were right or wrong is wholly immaterial. Whether the British government had been tyrannical and had driven these people to desperation is wholly immaterial. The Canadian subjects of Great Britain had seen fit to revolt, and with the assistance of American citizens had engaged in a civil war in Canada, and whether it was right or wrong it was a war, and all the rights and immunities that belonged to those engaged in war pertained to them.

We will show to you, gentlemen, that the government of the United States took this view of the case—that that the recognition of this offence, and the demanded reparation from the government of Great Britain—and that at a later day the British government acknowledged the responsibility of that act and declared it was done in obedience to the British provincial government, and justified it as a necessary act for the protection of the subjects of Great Britain then living in Canada. The federal government then under the constitution had taken cognizance of this whole matter, embracing not only the invasion of our territory, but also the destruction of the steamboat, the property of one of our citizens, and the taking away of the life of another. All, all these considerations were presented to the notice of Great Britain, and our government manifested the nation's rights and ready to vindicate them, had demanded full and entire satisfaction for the injury which our country has received. But the individual who formed part of that public force of Great Britain stands excused, as his action must, from all the consequences of his action under the constitution. The federal government is not answerable to any individual offender for the consequences of his action.

Passing from this, I will now take up another branch of the case, and when I am well persuaded the intelligent judge who presides here, and myself shall have no difference of opinion, whatever may be our respective views of the other features of the case, I will then, more deeply interesting question of the constitution, and I will show it to be the point as to whether *McLeod* had any thing to do with the organization or not. I am willing, and I intend to call your attention more minutely to the evidence sustaining that ground of defence, than to that pertaining to the other position which we have assumed. Because that evasion of the question of the latter, is not in any degree susceptible of dispute. Even the evidence given on the part of the prosecution, has gone to establish our case, and what is yet to come, will only confirm what has been shown already. But the point to which I call you now is, that Alexander *McLeod* had no share in the destruction of the *Caroline*, or in the killing of *Durfee*. The side of you, gentlemen of the jury. Not any more. And I feel that with a knowledge of the facts, and will satisfy you that what I have now said is fully and literally true.

I confess that I am somewhat surprised by the repeated statements of the friends of the party of the prosecution. I will say to the attorney-general, that I am honored with his indulgence—I will say to his associate, that I am astonished at the feebleness of their

cause, conducted as it has been with such an array of talent.

Without making any extravagant pretensions to that sort of skill in matter of this kind, yet I would venture fearlessly to enter on the argument on the evidence as it is now before you, without the slightest dread of a verdict against my client. But I am not at liberty to play happy-go-lucky in such a case as this. I have to defend a man whose life is at stake to him as yours is to you, and to whom you are bound to give a fair trial—a patient hearing—and a faithful and impartial verdict, just as much as if he were an American citizen. I ask no favor at your hands because he is a foreigner. We expect nothing whatever from you on the account of the difficulty in which your verdict may place the governments of the two countries. We ask only that you will listen to the evidence, cautiously weigh it, and then pronounce whether Alexander McLeod is a murderer or not.

First, then, we will lay before you a mass of evidence taken by a commission under the sanction of the supreme court, and which, singular as it is, have been attended to in the execution by gentlemen on both sides. And here let me remark, that the opposite counsel have enjoyed all the advantages which a perfect knowledge of our whole case, from beginning to end, could afford, whilst we have been kept in profound ignorance of theirs.

Yes, had they enclosed the case in the hetacomb of Egypt it could not have been more religiously concealed from our view. None of the new witnesses who are relied upon to sustain the prosecution went before the grand jury. There may be a few exceptions, but I believe my assertion will be found correct.

And permit me to add that in my judgment if this were tried as often as the moon changed, new witnesses could be found to prove the case, as strong as it has been now presented on this trial. But the commissions have been returned and the evidence will be read before you. I will not, with pains and perseverance, my respected colleague succeeded in finding some men, more or less, who were on board each of the boats which formed the expedition against the Caroline. Twelve or so of our witnesses are of this description. First on part of the defence we have Col. McNab, who proves the sailing of the *Caroline* in the month of December, the date of the expedition. Col. McNab states that the expedition, when planned, was a profound secret, unknown to any except himself and one or two confidential officers. The party collected on the shore and went on board the boats, and then the purpose of the expedition was known when the party was on its way to accomplish its object.

When the expedition returned, Col. McNab ordered a list of all the men engaged in the expedition to be made out, intending to bestow upon them some mark of approbation for their hardihood and successful conduct of the expedition. And here let me say, that however we may regard the transaction, the provincial government of Great Britain looked on that act as a gallant achievement. But whether they rightfully or wrongfully appreciated the undertaking is perfectly indifferent to us. To return, however, in the lists thus made out, the name McLeod, either Alexander or Augustus, does not appear.

Col. McNab also says that he was on the shore when the expedition embarked, and that he did not see McLeod, whom he knows most intimately. Then every boat's crew were acquainted with each other, and they respectfully testify that McLeod was not among them, and that they are entirely sure that the members of every little party will know each other. This is in substance the evidence which we have taken on commission, and that will be the first laid before you in our defence. You will listen to that reading with attention, although it may not be so satisfactory as the evidence of a witness who would be before you personally.

But we will also produce before you living witnesses, who will speak of what they know. By a Mr. Hamilton we will show that the Rayncock of whom Wilson spoke as being present with McLeod between the 5th and 13th of January, was absent in Europe, and that he had been then in England, and that at the place and on the occasion described by Wilson.

With respect to Quimby, we will show you that a short time ago a letter was received by the postmaster here from a gentleman of respectability in Warren county, Pennsylvania, who bearing of Quimby's intention to come here as a witness, and knowing his character, wrote a warning as to his worthlessness and asked for information as to the name of two worthy citizens there, who have come here to speak of Quimby's character. This Quimby, you recollect, is the fellow who sold his load of hay and went to get payment before daylight from the commissary.

And will then show you, gentlemen, that McLeod was at Chippewa, in Davis' tavern, on the day of the

destruction of the *Caroline*—that he went to bed early, as he was fatigued, having been one of the party who rowed round Navy Island. He remained in bed till sundown, when he rose. We will then show you that he went in company with Mr. William Press, then living at Niagara, and now keeping the "Hamilton House," in Hamilton, Canada, and in his company, Mr. McLeod left Davis' tavern and rode to Staniford, about five miles distant, in a very bad state of the roads, where he got out of his wagon, concluding that he would tarry over night with capt. John Morrison, a retired British officer in Canada.

He left Chippewa in company with Mr. Press after dark on that day. Well, he got out and went into Capt. Morrison's, and we will show you that gent. Capt. Morrison, and Mr. McLeod came to his house, that they sat and conversed till about midnight; that then they retired to bed; that he, (Capt. Morrison), rose early in the morning, as was his custom; that Mrs. Morrison arose, and their son, a little boy of fifteen years of age; that the lad went down to the gate in company of the house. That he saw there two gentlemen, who stopped as they passed and asked the lad to call his father—that Captain Morrison went down and there found some one whom I don't now remember, with a Col. Cameron, who lives at Toronto, and is an elderly gentleman, and is not able to be here. And the gentleman asked Morrison, and he heard the news, and on receiving his reply in the negative, they told him of the burning of the *Caroline*, and gave him as a trophy a fragment of the boat—which they had found in an eddy below the falls.

Captain Morrison returned to the house and found Mr. McLeod at his toilet, and to him he told the intelligence he had just received. McLeod wished to go immediately, but was prevailed on by Mrs. Morrison to remain for breakfast; Mrs. Morrison will show this, and also that Mr. McLeod's boots, which had been wet, were placed at the kitchen fire, where they remained till night, and in the morning he got on dry by him; Mr. McLeod, also a step-daughter, I believe, of Mr. Morrison, is also here; she is an intelligent lady and will corroborate the testimony of her relations.

To recur to the testimony of Press, to show that he cannot be mistaken in the day, he says he was at Chippewa but once that winter. He lived at Niagara and he was in the house, and he says that he took in passengers from his house that day; that their names are on his books, and the compensation he received from them entered on his cash book, under date of the 25th of December. But, further, he will tell you that he heard of the destruction of the *Caroline* on the next day, about ten o'clock—thus fixing, beyond all controversy, the day on which McLeod was in his company.

We then take McLeod from Chippewa early in the evening to Captain Munson's where he passes the night. Then, in the morning, he rode to the Pavilion at the falls, and during that time we have no evidence that saw him—but at the Pavilion he fell in company with a person who is here—a gentleman of the provincial government, and from the Pavilion he rode with McLeod to Chippewa conversing about the destruction of the *Caroline*, and they reached Chippewa about nine or ten o'clock, and then rode up the Niagara river to where Capt. Usher lived—the gentleman who was murdered at his own house, while the party were on their way from Navy Island, one ball falling directly at the edge of the river, which was handed to McLeod when he was returning.

Shortly after leaving the *Caroline* they met a gentleman who also is here—Mr. McLean, of New York, who had spent the previous night at Chippewa and in company with another person residing down the river, towards the falls, where he had seen McLeod, whom Mr. McLean well knew, and had seen in Buffalo a few days before, when McLeod was there.

Now gentlemen of the jury, this evidence will be laid before you, and I question if it will be at all necessary for you to embarrass your minds with the examination of the present jury, they were fired on by me committed by any one, but that on the contrary you will be rejoiced to find that you can return a verdict that the prisoner was not guilty because he had no participation in the matter. I know it will rejoice your hearts, as it will those of all true American citizens, that McLeod is innocent of this offence.

And here gentlemen let me ask you if this evidence which I have described be true, what will you think of the testimony you have heard. Will it not be found irreconcilable from beginning to end? Must it not then be admitted that these men must either have lied in their glories, or been misled by heated imagination?

Our witnesses are not surrounded by darkness—their observation not limited to a single and momentary view of the dawn of day or in the gloom of midnight. They have been in company with the prisoner, and could not be mistaken. There evidence then must be all perjured, or all true.

And if all true, then you will not have the slightest difficulty in pronouncing the verdict that justice demands—one which is due to the prisoner, to the nation whose subject he is, and to the American people.

The learned gentleman then concluded, after occupying three quarters of an hour in his opening, and as it was now nine o'clock, the court adjourned till next morning at the usual hour.

THURSDAY, OCT. 7. The evidence rendered by the witness Sears having closed, Mr. Spencer said that he now proposed to bring forward the documentary evidence. The learned gentleman stated that he would first introduce the various official documents that had reference to the regulations at present being before the governments of the United States and Great Britain.

Mr. Hall—For what purpose?

Mr. Spencer—With a view to establish the fact that the destruction of the *Caroline* and the killing of Furber were the acts of the public force of Great Britain, which acts were subsequently authorized by the governments.

Mr. Hall—You wish then to establish that there was a war.

Mr. Spencer—Or such a state of matters as released the individuals concerned under the protection of the government of Great Britain from all responsibility in regard to the consequences of their acts in that capacity. Mr. S. then proceeded at very considerable length to show that though there had been no formal declaration of war, yet the provincial government of Great Britain had a right to destroy the *Caroline* in such a case.

As however, the learned gentleman used the same arguments and adopted the same line of reasoning as he did, when the case occupied the attention of the supreme court, we do not deem it necessary to present his remarks on these points again to our readers.

Mr. Hall rose to reply.

The court observed Mr. Hall from replying and expressed its judicial opinion as follows:—The present indictment has been sent down to us by the supreme court, to be tried like any other issue in the circuit court. A motion was made for the prisoner's discharge on the ground that that court could look behind the indictment and inquire whether it was justified in discharging the prisoner. The supreme court came to the conclusion in the first place that they had no right to look behind the indictment; and second if they had that the motion should be denied for the want of merit or of soundness of the grounds on which it was made. And, as the court would be justified in so doing, they were in such a sense which makes the killing of individuals excusable or justifiable; and for the reason that there was nothing in the preceding negotiations which took away the right of the state of New York to punish offenders against her laws. This opinion, which has been arrived at by all the judges of the supreme court after the case had been ably and deliberately argued before them, and which opinion, though for the most part was written by one, was the expression of the court. From that opinion, even if I did not agree with it, I cannot dissent. That decision is law with me, and may be briefly stated that the American people, composed of Canadians and of American citizens, who voluntarily joined them.

These took possession of Navy Island, and were, therefore, a hostile force invading Canada. They were directly hostile to the Canadian government; and I have no doubt that the Canadian authorities had a right to repel that invasion—to suppress that insurrection, and, when engaged in war may use against rebel subjects or foreign enemies. But while that is true, it is proper also to look at the rights of neutrals. Every citizen of the United States who chose, had a right so far as respected his obligations to his own government, to expatriate himself and join the insurgents, but when he did so, he was subject to all the consequences that the real subject of Great Britain endured. Any of our citizens who chose had a right to carry provisions and munitions of war to those insurgents at the risk of their forfeiture, if captured; and in that view the *Caroline* was liable to seizure, if a portion of the armament of the rebels, if the flag, when there, or if possible on the high seas.

But every member of that hostile band when on shore was secure from injury by the adverse power; and the British government had no more right to send armed men from Canada to make an attack on that station, than it would have had if they had to send armed men to Buffalo to seize on the arsenal from which they feared the rebels might take arms,

or to assassinate the mayor of that city lest he might give up those arms.

These in my view are the doctrines of the supreme court—not only opinions put forth by their decision, but clothed with authority, binding upon us, and which have no discretionary power to set aside, even if I had examined the question fully, and come to an opposite conclusion from that of the higher court. I am administering law here subject to the review of that very tribunal, and I therefore feel bound to reject the proposition to offer these matters in evidence.

Mr. Spencer asked the court to note his exception to its decision.

The editor of the N. York Tribune, who attended the trial during the week which was occupied in the examination of witnesses, thus sums up the case as developed by the testimony:

The preliminary and substantially admitted facts are these: A "patriot" rising or insurrection took place in both Upper and Lower Canada in the autumn of 1837, which was speedily suppressed—with considerable bloodshed in the province, but very little in the upper. The disaffected insurgents fled to the United States—those from the upper province mainly to Buffalo and its vicinity. They found there a state of feeling and circumstances very favorable to their cause—a great meeting was held in the theatre to "sympathize" with them; a great many volunteers to aid them; a military force was embodied; the arms and the munitions of the state were seized; the party moved down the river, crossed over to and took possession of Navy Island, situated in the Niagara river, near the middle of its deep and strong current, and only two miles above the Falls of Niagara. Here they planted batteries and commenced firing upon the adjacent Canada shore, the village of Chippewa lying just above them. They threatened and were expected to make a movement upon Canada directly, the adjacent shore being exposed to invasion from them at any time, while their own wooded island, with a surrounding current leading strongly to the great extract below, was extremely difficult and dangerous to attack.

But the hastily-levied and ill-provided force on the island, while daily boasting of their numbers and prospects, began to feel sadly the want of money, provisions and munitions. Winter had set in, they could no longer protect themselves from the cold in numbers, and needed every thing, from competent leaders down to whole shoes. A force of five hundred men sent against them might have annihilated them. The lake had frozen up, with all the craft upon it, though the Niagara remained open, as it mainly does at all seasons. The patriots then sent their friends in Buffalo, begging that supplies and a steamboat be sent to their relief.

The owners of the more valuable boats refused to jeopard their in this service, but the friends of the patriots prevailed on Mr. William Wells, who had recently purchased for an iron steamer, and was bound to steamboat Caroline, to send her down. She was accordingly sent out of the ice on the 25th by volunteer aid, hastily manned by a volunteer crew, and sent down the 29th—Mr. Wells himself and a number of steamboat captains, engineers, &c. being on board.

She ran down, touching at Black Rock Dam and Tonawanda, to Schlosser, thence across to Navy Island, where she made three trips during that day, and back to Schlosser, where she lay up for the night. She took on board at each place whatever was offered, and carried a cannon, men, provisions, &c. to Navy Island, charging nothing for passage or freight, though some few paid voluntarily. Mr. Wells evidently did not expect to be asked to have returned, and he went to Black Rock Dam to pass the night, but there was something wrong with the machinery—so he staid at Schlosser. Thirty-three men—twenty-three of them lodgers, merely, who could not find accommodation elsewhere—had retired on board, when about midnight a party was approached and begged to be taken on board, and when they had returned, they drove her inmates ashore, severely wounded James H. King, brother-in-law of Mr. Wells, took prisoner Luke Walker, a boy; shot Amos Durfee dead, just after he had stepped from the boat to the dock, roughly handled some others, set the boat on fire and poured kerosene on the current, which was a grand and burning flame over the mighty extract. Her destroyers returned in triumph to Chippewa. Such is the deed which, by a solemn adjudication of the supreme court of this state, is held to implicate every individual concerned in it in the guilt of murder, and for an alleged participation in which Alexander McLeod was indicted and put on trial for his life.

The circumstances which are held to involve him in this offence are as follows: He was a deputy sher-

riff in the Niagara district, an ardent, active loyalist, had busied himself prominently in the defensive operations at Chippewa; on the 25th was in Buffalo, doubtless on business adverse to the patriots; came very near being lynched by the "sympathizers" who bore away there; came back to Chippewa, and with others rowed round Navy Island early in the morning of the 29th, in search of the Caroline—did not see her, but was fired on from the island; went back to Chippewa, and slept two or three hours in the afternoon.

His prosecution is undisputed by the witnesses. So far as the state that he was seen in a private conference with Drew, Usher and other British officers at Chippewa at 3 or 4 o'clock in the afternoon, (about which time the destruction of the Caroline was doubtless planned); came out of Davis' tavern at 9 o'clock, about which time the men were mustered, was imperfectly recognised by the men applying among the assassins on the Caroline; was seen to land from one of the boats after the destruction had been accomplished; was followed up to Davis' tavern, where he stood some time before the door talking of the affair; was seen again at sunrise next morning and again at three, where at last his attention was attracted to him by a current report that he had been wounded in the attack, which his appearance confirmed; that he was then heard to boast of his participation in the affair, and that he has since boasted to various witnesses who testified on the trial of having killed James H. King, &c. This is the substance of the case for the prosecution.

For the defence—aside from the objection that the destruction was an act of public force, to be adjudicated in the forum of nations, and that no murder can have been committed therein—a plea overruled by the judgment of the supreme court—it is given evidence that McLeod was not in or near Chippewa at the time the affair took place; that he left that evening at 7 o'clock for Niagara; went out to lieutenant Morrison's at Stamford, six miles distant; took tea there about 8; sat with the family till 10, and with lieutenant Morrison till after 12; rose at near 8 and was not dressed when Col. Cameron came along and told of the burning of the steamboat; went away about 9 o'clock; was met on his way to Chippewa near Niagara falls about 10, A. M. by judge McLean and Dr. Foote, who had come down from Buffalo to Chippewa the previous evening, and had when there vainly inquired for McLeod both then and in the morning; that he was not seen again until the morning of the 31st, Chippewa about 11, returning that afternoon by Stamford to Niagara, (not the falls). Such, with some impeachment of the witnesses for the prosecution, is the case for the defence.

POLITICS OF THE DAY.

—LETTER FROM MR. TALLMADGE. In the Richmond Whig of the 16th ult. is published the following letter, which having connection with the affairs of the extra session, we copy:

Senate chamber, September 7, 1841.
MY DEAR SIR: When the former bank bill was before you, I took the liberty of frequently urging its approval. I suggested the effects of its approval upon the party that elected you, and upon the whole country. I also stated what I believed to be the sentiments of our friends in and out of congress, in relation to a veto of that bill, and that their feelings would be manifested in a way to show an unaltered determination to sustain their former position in the case of the veto of the present bill, and against executive influence over the legislature of congress.

On the receipt of your veto message, it was believed the public interest would be promoted by making another effort to meet your views in relation to a dissent, and to have the bill passed. I was very patient on carrying out the great measures for which this extra session was called, determined that all feelings of mortification or resentment should be sacrificed to the public good. They accordingly passed the bankrupt bill, the land bill, and another bank bill. I was the former have been approved by congress.

Later on now, when your veto message, even but a rumor predicts another veto. I trust that we are not to be subjected to that humiliation, and that you will, on this occasion, justify the expectations of your friends, and disappoint the hopes of your enemies.

The public mind is too much excited to receive another veto, without the most unequivocal manifestations of disapprobation, not to say indignation. Such feelings excited, but were suppressed on the former occasion, because it was seen that congress was making a great and mighty effort to recover from the depression of the country, and that the measure more severe and the less to be resisted, being indicated by a friend—by him too, who had come into power with the rich legacy of the lamented HARR-

ison—namely, "to understand and carry out the true principles of the government," of which this measure was the leading one. Those feelings cannot longer be suppressed, after another exercise of the veto power on the present bill. *That bill, it is well understood, was prepared in pursuance of your suggestions after full consultation with your cabinet, and with gentleness; and its provisions made to conform to your views, and with the unequivocal understanding, that it would meet your approbation.*

It was brought forward, and passed by your friends in congress, in the hope that it would obviate all difficulties on your part, believing, as we all do, from the most undoubted sources, that its provisions had received your sanction. I cannot, therefore, for one moment, persuade myself that any credit ought to be given to a rumor of a second veto.

It rarely happens, in the course of one's public career, that an opportunity offers, which enables a man to distinguish himself, and to render service to the country, and to render the most important service to the country. Whenever such an opportunity does present itself, if he has the sagacity to perceive it, and the moral courage to embrace it, he can gain for himself the enviable title of a public benefactor. That is your situation at the present moment. The great and paramount interests of the nation require some sort of a national institution which shall furnish a uniform currency and equalize the exchanges. Without these we cannot expect that prosperity in business, to which the people are entitled, and which you have it in your power to promote, by granting to them such an institution as they have asked for, and which will be the basis of all our policies, the business of the country would be once more revived, and your name would become closely identified with all those great interests which it is the part of an honorable ambition to encourage and sustain.

The wounds inflicted by the veto of the former bill, and the great and painful appraisal of this. The feelings of disappointment which now pervade the whole country, would be turned into joy, and that joy would be heightened by the reflection, that neither pride of opinion nor inconsiderate counsels could long prevail over the patriotic impulses of one determined to do his duty to his party as well as to his country. It will not be long, I think, before the whole country will say that hereafter something may be done. They will tell you that "hereafter is yet to come," and that they require it now; that they have for a series of years combated the veto power and executive dictation: that the resistance of this power is the very foundation on which the principles of the party are based, and that they could no longer tamely and quietly submit to see their principles trampled under foot by any one, and more especially by one elected by themselves to carry out their great measures, of which a national bank was the most prominent and important. That they cannot consent to lose, by an inglorious and pusillanimous acquiescence, that moral force, which their resistance of this power has always given them, and without which they cannot preserve even their own self-respect, much less the respect and confidence of the country.

In my former communication, I expressed an apprehension that a rejection of that bill would distract and destroy the party. I have seen enough of public sentiment already, to convince me of the error of that opinion. I am satisfied that a rejection of the present bill will not distract or destroy the party. A veto may be the means of throwing a small and insignificant fragment of it into the illicit embraces of an unscrupulous and unprincipled man, but it will give life and renewed energy to the great and patriotic mass which remains. They will see the motives which control such a movement, and they will feel, as freemen should feel, when the fruits of the glorious victory, achieved under the gallant HARRISON, are thus soiled and soiled. They will no longer grasp at a veto, but will once more buckle on their armor, and prepare for another contest—a contest, not only of principle, but of feeling; and, animated by every motive that can rouse the patriot to action, they will again triumph, under auspices that will render their victory permanent and complete.

But I am the fear that such a contest will be necessary. I will rather hope that you will seize this occasion to sustain the confidence of the party which placed you where you are; and that you will by the approval of this bill, render your administration as popular as you will make the country prosperous.

Let no hasty opinions which may have been expressed against the bill, prevent you from consummating an act so honorable to yourself, so desirable to your party—so important to the country. It is the part of a great man to surmount the obstacles which are thrown in his way. We should be glad to have his veto of the first bank bill prepared, with the intention of sending it to congress; but that great man changed his purpose at the very last moment, and

approved the bill. Is not his example worthy of imitation? Can you not, ought you not, to exhibit on the record of the past year, the same noble and virtuous disposition to aid in the preservation of the union of the whole country? How enviable would be your position! How laudable the ambition to imitate such an example! By your approval of this bill, the most intimate and cordial relations would be preserved between yourself and your political friends—the confidence of the party would be sustained, and we should all have the proud satisfaction of interchanging those reciprocal acts of kindness and good feeling which are the life and soul of all honorable, political associations. From my intimate acquaintance with the sentiments of our friends, I have no hesitation in saying such would be the result; and I assured you the great point of difficulty being thus happily removed, they would give to your administration a united, vigorous and cordial support—a support as honorable to themselves as it would be gratifying to you and interesting to the country. May I not hope, then, that this great and patriotic purpose may influence your decision, and that we may all return to our constituents, having by our united action accomplished the great objects for which we were called together, and receive their annunciation of "well done, good and faithful servants."

My solicitude for the success of the party and its measures and the consequent prosperity of the country, is my apology for this communication—I trust it will be received in the spirit of kindness which dictated it, and I cannot but indulge the hope that the same spirit will bring you to a conclusion so honorable to yourself and so agreeably desired by your friends. Very truly yours,

N. P. TALLMADGE.

TO PRESIDENT TYLER.

MR. CUSHING'S ADDRESS.

TO HIS CONSTITUENTS.

I beg leave, as well in execution of those deferred offices of private friendship, which, amid the cares of the busiest Congress of our times, it has been impossible for me to discharge by individual letter, as in order to render to all an account of my stewardship thus far as your representative, to address you in this form on the great public questions, which now occupy the thoughts of the people of the United States. A few words only, beforehand, in a personal relation.

It has been my anxious endeavor, at the late important session, so to act in all things as to guard your honor and interests, and those of our great common country.

My votes in the house of representatives, on the several measures before congress, speak for themselves.

In respect of all but one of these measures, there was, you know, perfect concord of action on the part of the two houses of congress and the president. Concerning one of them, and they differed.

On the great political question, as to the purpose of conduct should be pursued by congress in view of this difference, what judgment ought to be passed on this action, and on the consequences of that difference, it would have been easy for me to slay *apparent* respectability, leaving elements to the people to decide.

But contingence arose, thereupon, in which to be passive was to yield way, as it seemed to me, to bad and foolish counsels, and inaction being in its effect the worst of action, and to acquiesce tamely in wrong doing was to make one's self as truly responsible for it as to partake in its perpetration.

Besides which, in my estimation of the duties of one in public station, if he have clear convictions of right, he is bound, time and place fitting, to strike in behalf of the good cause.

On account of my conduct in these questions, involving as they do great personal and political interests, and stirring the passions of men, such censure has been cast upon me by presses out of my district, and for the most part out of the commonwealth of Massachusetts, which have volunteered to influence or to anticipate your judgment on your representative.

Be it so. I have nothing to say in that regard. I contentedly submit myself therefore to the sober sense of the people, and the all rectifying influences of time. It is the public question, and that alone, which demands immediate attention. I proceed at once to that.

A caucus dictatorship has been set up in congress, wholly, not satisfied with ruling that the chief magistracy of individual freedom of opinion, seeks to control the president in his proper sphere of duty, denounces him before you for refusing to surrender his independence and his conscience to its decree, and proposes, through subversion of the fundamental provisions and principles of the constitution, to usurp the command of the government.

It is a question, therefore, in fact, not of legislative measures, but of revolution.

The whig party in congress have been extremely desirous to cause a law to be enacted at the late session, incorporating a national bank.

Endorsing, by the veto of the president, a constitutional obstacle to the enactment of such a law at the late session, a certain portion of the whig party, represented by the caucus dictatorship, proceeds then, in the beginning, to denounce the president.

Will you concur in this denunciation of the president?

The answer to this inquiry resolves itself into, first, a question of expediency; and, secondly, one of principle.

First, as a question of expediency, it involves the following (among other) points of the *cui bono*:

To do so, dissolves the whig administration, composed of two necessary parts, namely, a *united* whig president and whig congress.

Is not a whig administration of more importance than to have a bank at a *given moment* of time?

Is it not worth more, for other purposes of good it may accomplish, than *any* mere corporation?

The whig administration dissolved, will any other administration give you a bank?

To what does it advantage the whig party, to sink itself into a minority in all or any of the states of the union?

Separating from the whig administration, what is to be the condition of the whig party? Is it to be an administration or opposition in the name of a party? Is it to be a party organization, in a secondary or incidental fact; but constitutional order, in the regular action of government and laws, is a *necessary* fact.

This regular action of government and laws, succeeding whigs (be they ever so many) *cannot* stop, if they would. It must and will go on. Do they desire to go *on without them*? If so, by and through whom?

When Lord Grenville broke up the whig party of England, in 1807, by the unreasonable pressure of some great question, and its consequent loss, "Why," said Sheridan, "did they not put it off, as Fox did? I have heard of men running their heads against a wall; but this is the first time I ever heard of men building a wall, and squaring it and clamping it, and then expressing their regret by knocking out their brains against it." This *ban* not of Sheridan's will apply to the whig party in congress, if, on account of the failure of the bank bill at the late session, they secede from the administration, and set up as a *Tertium Quid* in the government, neither administration nor opposition.

As such *Tertium Quid*, neither administration nor opposition, having no substantial issue with the president but the bank question, in how many of the states can the seceding whigs expect to maintain a majority by means of the merits exclusively of the bank question?

The bank question apart, is it possible to build up or maintain a great political party on the basis of remittances, or of surmises, suspicions or gossip injurious to the administration? Is not the country at present desirous of *political repose*? Anxious to attend to business? Is it possible to work up the people into a political fever, and keep them in it for three or four years to come, in aid of the remittances and personal attacks of a few politicians here and there? Is it possible to keep the people in the first access of passion ever, will the whigs continue to think, that the occupation of attempting to bite off one's own nose is pleasant or profitable?

Will it aid the bank question to heap on it sundry great projects of revolutionary change in the constitution of the federal government? Is the party strong enough to carry out an accumulated burthen?

Is it wise for the whig party to throw away the actuality of power for the current four years? If so, for what object? For some contingent *possibility* four years hence? If so, what use?

Is the contingent possibility of advancing to power four years hence, any one particular man in its ranks, whoever he may be, and however eminently deserving, a sufficient object to induce the whig party to abdicate the power which itself as a body possesses now?

If so, will its abdication of power now tend to promote that object? *If it not, on the contrary, the very means to make sure the success of some candidate of the opposition.*

Secondly, as a question of principle, the inquiry, whether the president shall be denounced by the whig party, becomes this, *Ought he to be*? If so, for what causes?

He vetoed the bank bill in each of the two forms in which it was presented to him; and this, it is charged, is perfidy to the whig party.

Yet, confessedly on all hands, the president was not nominated or elected on a pledge to this action.

And if the whig party came into power in virtue of such a pledge.

In refusing to sign those bills, then, he violated no engagement, and committed no act of perfidy in the sense of a forfeited pledge.

If those bank bills were, by a distinct understanding before the election, or in any other way, the sole and exclusive essence of whig policy, then, there would be something of plausibility in this charge of perfidy to the party. But, in any, the strongest point of view, they were but one whig measure among many.

Of thirty-one whig measures, a member of the party contains in thirty, but disapproves one. Is he for that cause to be *unwhig*, for whig party, for or for there are few who could stand the test. And yet that is the precise fact in this matter, so far as regards the president.

But, in this particular, the president, as an upright man, could do no otherwise than he did. He conscientiously *disapproved* those bills. And the constitution, which he has sworn to obey, *commands* him, expressly and peremptorily commands him, if he do not approve of any bill presented to him for his signature, to return it to the house of congress in which it originated. "If he approve he shall sign it; if not, he shall return it," are the words of the constitution. Would not such conscientious men themselves, forbid the president of the United States to have a conscience?

In fact, if he had approved the fiscal agent bill, he would have been quite singular in that, for nobody else did.

But, it is said, the constitutionality of a national bank is a closed question, decided by the supreme court of the United States, and by successive presidents of the United States.

This assertion is a great error. What has been thus decided is simply this:

There is in the constitution, no express power to incorporate a bank.

But if the national legislature be of opinion that a particular description of fiscal agent, called a bank, is necessary and proper to the execution of any of the powers granted to congress in the constitution, then congress possesses the power to create such a fiscal agent.

The supreme court have decided that the legislature is its constitutional judge of the *fact* of the necessity and propriety of such a fiscal agent.

If the legislature, by their action, in their incorporation of such a fiscal agent, declare the opinion that such agent is necessary and proper for the execution of some express power, then the supreme court decide, as a consequence from the fact so declared, the legal consequence of the constitutionality of such agent.

In the given case, the legislature is to look into the bill proposed and see whether the agent created by it is a necessary and proper one. The senate is to do this on its responsibility. The house is to do this. The president is to do this. And if they concur in the opinion, then, by the decision of the supreme court, the constitutionality of the agent so created follows as a consequence.

It has not been decided, either by the supreme court or by the action of any past president of the U. States, that any bill whatever, no matter what its contents, or *consequences* of its given, do so, by virtue of that title become of *necessity* constitutional. On the contrary, the *name* of the agent determines nothing. The quantity and quality of its powers—the nature of the functions bestowed upon it—its necessity and propriety, as well (in the detail) at the precise time, as (by principle) in general—*are* of the constitution. The *fact* and right of its existence in each case of a proposed bank, and to be examined by the president as well as by the two houses of congress.

And these are questions which, when they arise in the given case, are to be considered as well by the president as by the members of congress, in *obedience* to the *express* *conscience* *dictations* of the *fact* of the constitution. Their judgment on these questions is nowise precluded or excluded by the fact that the supreme court has passed on the general question of the constitutionality of a bank. On the contrary, such judgment is *deferred* to and *imposed* upon *them* by the very decision of the court itself. Such judgment is not those questions by them upon their consciences, but the constitutional means, and the only means, of ascertaining the *premises*, out of which, when so ascertained, the supreme court is to draw the consequence of the constitutionality of a bank.

The not perceiving, or, perceiving, the neglecting to act upon these questions by them upon their consciences, is a gross error at the late session of congress.

It induced members, instead of looking into and settling the question, to accept of the agent, and showing their necessity and propriety as the essential elements of the conclusion of constitutionality in the given case, it induced them, taking for granted this the very thing to be proved—it induced them to expend all their efforts in arguing the false idea that the question could not and must not be looked into or examined at all.

Their minds dominated by this sophism, and having adopted as the rule of their own action the theory of denegation, reason, and solution of question which it implies, it is not strange that they assumed the same rule as applicable to the president.

In refusing thus to shut his eyes, and in scrutinizing the true question, that, namely, of the necessity and propriety of each and all of the proposed powers of the bank in the given case, the president, instead of acting in conflict with the decision of the supreme court, did in fact tread in the very path, and aim at the very mark, which those decisions prescribe.

But, it is said, the bank question, at the present moment, has been decided by the whig party, and the president ought to have conformed himself to that decision. To which it is answered, it is obvious to reply, that no determination of party can settle a constitutional question, or preclude a question of conscience.

It is further said that the president ought to approve whatever the party in congress do.

This would be to make him do all the constitutional functions and duties of the president of the U. States,—to render him eventually the mere puppet of faction,—to transform him into a simple countersigning clerk,—and to transfer all the substantive power of the government into the hands of congress. Though president should sign the votes of a party, represented by a majority in congress, yet, as president, *not congress*, is to execute that office, and, to the best of his ability, preserve, protect and defend the constitution.

To say that whatever bill a majority of congress passes, that the president is, regardless of his own conscience, bound to sign, is to destroy the constitution. To say that the voice of a bare majority of congress is, as against the president, the final and conclusive pronouncement of the popular will, is to destroy the constitution. For the constitution expressly provides that, not a bare majority of the houses, but a two-thirds vote against the president's objections, and that alone, is to be considered as the authoritative declaration of the will of the people.

The exercise of the veto, it is said, is an odious act. If so, the more certain is it that it will be rarely exercised by any president, and that when he does exercise it, he does so from profound convictions of conscience, and overruling sense of public duty.

The president, it is said, has defeated the wishes of the whig party in congress and the country, and, by his mere will, deprived the nation of what it so much needs, to wit: a national bank.

It is true that the president is responsible solely, or nearly so, to congress, for the failure of the bill, at the late session, to establish a bank. To answer this question let us look at facts and dates.

On the 24th of June the senate called on the secretary of the treasury to present to them a plan of a bank and fiscal agent, which he communicated on the 13th of June.

To a similar call made by the house on the 21st of July, the secretary replied in the same way on the 23d of June.

In each house this plan was committed to a select committee on the currency.

It was known generally, and it was known particularly to those members of congress, who, by their personal and political position, had the best opportunity and the greatest inducement to obtain a clear understanding of the facts in this respect, that the president of the United States had strong and fixed convictions concerning a national bank; that it was his anxious wish, so far as his conscientious opinions would permit, to conform his action in this matter to the decision of congress. He accordingly, he had reflected much, and counselled with his private advisers on the subject; and that, among other conclusions to which he had arrived, was this:

Either no discounts, or, if discounts, then assent of the states.

The president, in considering this great question, looked beyond words, at ideas and things.

What is a bank? It seems to be assumed, in most of the newspaper discussions of the subject, that a bank is of necessity an institution combining depositors, discounts and circulation, or the issue of bills to the state as money. No, no. Neither of those things is, in itself, of the essence of a bank. A bank may be a bank of deposits without discounts or issues, or of deposits and issues without discounts, or of deposits and discounts without issues, or of depo-

sits, discounts and circulation. Examples of each of these forms of bank exist in many countries, and may be found in our own.

The president had considered these things, and the fundamental idea in his mind touching the proposed fiscal bank, either no discounts, or, if discounts, then assent of the states, was incorporated in the 17th article of the 11th section of the plan of a fiscal agent communicated to the senate and the house by the secretary of the treasury.

On the 21st of June, Mr. Clay, of Kentucky, from the select committee of the senate, to which the bill of the secretary of the treasury had been referred, submitted a report, accompanied by his framed article according to the plan of the secretary, but in the vital matter of the constitutional question, involved in the 17th article of the 11th section, differing from the secretary of the treasury, and proposing to establish discount offices in the several states without their assent.

In the house of representatives, Mr. Sergeant, from the select committee of the house, reported a bill on the 21st day of July substantially the same as that reported by the committee of the senate.

The difference between the plan of the secretary and the plan of the senate committee, became, at once, the great question of the day.

Mr. Rives, on the 1st day of July, moved, as an amendment to the senate bill, to restore, in this respect, the precise language of the bill proposed by the secretary of the treasury. His amendment was a thing, but was the provision of the secretary, and consisted of his very words cut from the printed separate document and wafered on a sheet of paper, with nothing but the formal words of a motion to amend prefixed in manuscript.

Two senators from Massachusetts, Mr. Bates and Mr. Choate, adopted this amendment, that is, the adoption of the plan of the secretary in this respect in preference to the plan of the senate committee.

There is every reason to believe that, if the opinion of Mr. Bates and Mr. Choate had been followed and the amendment of Mr. Rives adopted, there would have existed a new United States bank, no dissolution of the bank would have occurred, no difference of opinion between congress and the president, and no schism in the whig party.

For the opinions expressed by Mr. Bates and Mr. Choate at that time, in the advocacy of this amendment, they incurred censure in some quarters. I apprehend that the *Massachusetts*, the constituents of those two senators, are sensible of these facts, and to do justice to the wisdom, patriotism and foresight of the senators of our commonwealth.

Was there, in this 17th article of the plan of the secretary, any thing so objectionable as to preclude its adoption on the part of congress?

That there was not, is conclusively proved by the fact that, when it was ascertained in the senate that the bill could not pass that body without inserting the principle of state assent, it was inserted. Whatever there was objectionable, in this respect, in the plan of the secretary, is to be found in the compromise provision, so called, of the fiscal bank, as it finally passed the senate, and, without change, the house. Did the former plan involve the difficulty of referring the agitation of the bank question to the political power of each of the states? So also did the latter. Did the former involve an implied surrender most ably demonstrated in the speeches in the house made by Mr. Marshall, of Kentucky, and Mr. Adams, of Massachusetts. In fact, the compromise provision, so called, was drawn up with such peculiar felicity, as to contain all the evil of both schemes without the benefits of either, and to be equally obnoxious to the condemnation of both classes of opinion, that of the federal school as well as the state rights' school.

When the bank question came into congress there were two courses to be pursued, in either of which there was a moral certainty that a bank would be established, at least on all occasion or pretext for any quarrel in the whig party, or between congress and the president, precluded.

One course would have been for congress, upon its own lights and opinions, to pass just such a bill as its members should, themselves, conceive to be the best possible, without demanding any plan from the treasury department, or the views of the president. Had this been done, the return of it by the president with his objections could have been no just cause of dissension.

The other course would have been, if congress chose to seek to shape its action in advance, in pursuance of the views of the president, then, having ascertained those views, to proceed in accordance with them.

Congress saw fit to adopt neither of these courses; that is, neither passing a bill of its own, nor accepting one from the president; and hence its failure to incorporate a fiscal bank. Doubtless, it was perfectly the right of congress to pursue the course it did; but, having elected to pursue this course, it should bear its due share of responsibility for the failure of the bill. And due responsibility ought not to be thrown on the president wholly.

It is distinctly conceded by the late secretary of the treasury, in his letter of resignation, that the action of the president, on the fiscal agent bill, was conscientious and honest; and this avowal sufficiently corroborates the idea, suggested at the time in the house of representatives, that he was to be condemned for the absence of conscientious reasons for that veto.

The president returned that bill to the senate on Monday, the 16th day of August.

In anticipation of that veto, and contemporaneous with it, as appears by the letters of the retiring secretaries, members of the whig party in congress contemplated the introduction of the second or fiscal corporation bill; and prior to the meeting of the cabinet to which they refer, the president was called on by Mr. Berrien of the senate, and Mr. Sergeant and Mr. W. C. Dawson of the house, they being, in fact, a committee from that portion of the whig party in congress which contemplated the initiation of a new bank bill, to ascertain the president's views on this subject.

The president being of opinion, as Mr. Madison had been in a similar case, that it was improper to take part, in this form, in the initiation of a bill, declined to do so.

But in this way as well as in various others, it became known to the president, that the purpose to pass a new bank bill was entertained by congress.

Hence, it would seem, the consultation of the president with the members of his cabinet on this subject.

At this time there was pending in the house in committee of the whole, the bill to establish a fiscal agent, reported by Mr. Sergeant, on the 21st day of July. For the bill which the house had passed was the second bill, the house bill remaining in committee of the whole not acted upon.

On Thursday, the 19th of August, the objections of the president to the fiscal agent bill were considered in the senate, and that bill was rejected on that day for the want of the requisite constitutional majority of two-thirds.

On Friday, the 20th of August, Mr. Sergeant, in the house of representatives, moved the house to resolve itself into committee of the whole on the state of the union; and then, the house being in committee of the whole on the state of the union, and having, at his motion, taken up the old pending house bill to incorporate a new bank, he moved to amend the same by striking out all the preceding words, and inserting, in lieu thereof, of the fiscal corporation bill.

On Saturday, the 21st of August, the house having again resolved itself into committee of the whole, and taken up the fiscal bank bill, Mr. Sergeant's amendment was adopted after some hours debate; and the house, without ever having been committed to any standing or select committee of the house, and with a disregard of the means and forms of deliberative examination most unexampled, the fiscal corporation bill was forced through the committee of the whole.

On Monday, the 23d of August, the fiscal corporation bill, as reported from the committee of the whole, was taken up in the house, and, under the previous question, and without debate, passed.

In the senate the bill was referred to a select committee, briefly debated, and on the 31st day of September, passed that body.

It appears by a published letter of the secretary of state, addressed by him to the senators from Massachusetts, on the 25th of August, that the president regretted the introduction of the fiscal corporation bill in the house, that he wished the whole subject might have been postponed to the regular session of congress, to afford time for information and reflection before calling on him to form an opinion on another plan for a bank, and to enable him to act without the restraint or embarrassment to which he was, at the present time, by collateral facts subjected; and for these reasons expressing it as his (the secretary of state's) opinion, that it was the duty of the whigs to forbear from passing the bank bill further at the present session of congress.

For the same or similar reasons it was felt from the beginning, by many, that the action of congress in the matter of the fiscal corporation bill was ill-advised, hasty, hazardous of much evil, and promising no good.

But other counsels prevailed; the bill was passed through both houses, submitted to the president, and by him returned to the house, with his objections, on the 9th day of September, and in the hour, by a vote according to the constitutional form of reconsideration, it was lost.

This act of the president has subjected him to new allegations of censure in addition to, and other than, those which followed the first veto.

The president, it is charged, trifled with one or more of the retiring secretaries. Of what occurred at cabinet meetings, the public knows and can know nothing. But, as to the main point, whether he initiated the fiscal corporation bill.

This is incompatible with the dates and facts above stated, which show that the consideration of a new bill was forced on the president by members of congress.

It is, also, incompatible with the fact that, on Tuesday, the 17th of August, as it is said by the secretary of war, the president expressed to him doubt as to any law.

That, at the very cabinet meeting itself as the secretary of the treasury declares, the president declared "a wish that the whole subject should be postponed till the next session of congress."

That if, at any moment before the fiscal corporation bill was moved in the house, it was seen by the president, yet, as admitted by the secretary of the treasury, it was never seen by the president in his presence; and of course it was not before them at the meeting of the cabinet.

It is further alleged that the fiscal corporation bill was such an exchange bank as the president, in the first veto, and in conversation with individuals, encouraged congress to suppose he would sanction.

In regard to this president, it is believed, never lost sight of the fundamental idea originally in his mind—either no discounts, or, if discounts, assent of the states.

This appears from the whole tenor of the second veto.

It also appears from the statement of the late secretary of the treasury, who himself ascribes to the president the emphatic expression: "Don't name discounts."

Nor could there be any misapprehension on this point, arising from a supposed omission to advert to the fact that the exclusion of the discount of promissory notes, inserted in the fiscal corporation bill, was not an absolute exclusion of discounts. You know very well that it may be a discount of a bill of exchange as well as of a promissory note. Though your banks do sometimes act as the mere collectors of bills of exchange, and the medium of obtaining payment of them from the acceptors, without making any discount upon them, yet, on the other hand, very much of the business of your banks consists of the discount of bills of exchange, payable on time, and discounted to the drawer or payee for his accommodation. And that this fact was present to the minds of gentlemen, and spoken of at the cabinet meeting of the 19th of August, is expressly stated in the published letter of the late secretary of the navy.

Finally, it is said, that whatever may be the force of the reasons assigned by the president for refusing to sanction the bank bill, yet that, in so doing, he acted from motives of personal ambition, and to injure the whig party. But this is mere gratuitous imputation, supported by no evidence, contradicted by all the facts of the case, and more especially by this, that, in what the president has done, he has conformed in accordance with long-avowed, well-known and persevering opinions of his whole life. It would be just as competent, and no more uncharitable, to retort the same imputation upon those who, patrons of the bank question, have yet with headlong haste driven it butt against two vetoes.

I believe that his conduct has been conscientious throughout, and, believing this, I deprecate the attempt to array against him the resentments of the whig party, as being unjust, inexpedient and unwise.

In aid of this attempt, it has been imputed to the president that, disregarding the counsel of the whigs, he takes advice from the opposition. In support of this imputation, it is believed that no evidence can be as none has been adduced, and that it is wholly without foundation.

All misapprehensions in regard to the motives of the president in this matter, arise from the denial of the president of the rights of conscience, in consequence of which it has been assumed that, whatever may be his conscientious convictions in regard to a measure, he would sign it, right or wrong, if his considerations recommend it. I submit to you whether a party seeking its own region, will adopt the idea that considerations of shifting party tactics,

regardless of conscience, shall control the actions of the president. And yet this humiliating idea is the groundwork of injustice done him, so far as he is concerned.

And all the unintended errors of conduct, on the part of those whigs who, by reproach of the president, are hurrying on a quarrel between him and the whig party, would have been prevented, if, in addition to the recognition of his rights of conscience and conscientious obligation in this matter, and, being remembered, by right-thinking men, that, opinions, though they be a moral force only, yet constitute a fact, to be dealt with, and considered and conformed to where they cannot be changed, just as much as unchangeable physical facts. How does it promote the public interest, for instance, to build up one executive veto after another, if this policy is not the addition to pre-existing difficulties of new difficulties created by ourselves?

If the whig party allow itself to fall off into this warfare against the president, under the influence of the causes alluded to for that warfare, it will be to commit suicide, in order to avoid danger of, at some future time, dying a natural death.

When the ship of state encounters adverse winds, and cannot on the instant make her destined port, it is the part of men of sense to jump overboard and drown themselves! Will the whig party, in so doing, the discharge of its duty to the country or to itself?

Is resentment against the president for not having signed the bank bill, or resentment in behalf of his retiring secretaries because of any difference between them and him, a good and sufficient motive for politics?

If there be any sense or degree whatever in which such resentment is a good motive for a patriotic man to act upon, does not the gratification of it by the whig party to its own self destruction seem to be pushing it rather too far?

Supposing to be just all that the whigs have reproached the democrats with, ought the whigs, as a question of ethics and of patriotism, so to conduct under the influences of transitory causes and personal passion, as, in destroying their own power, to destroy the ascendancy and the means of usefulness of their principles?

Nothing, in this discussion of the question, whether the whig party shall quarrel with the president or not, of the particular fact that several of his late secretaries have, for various and not concurring reasons, resigned their places, except this:

That the retirement of secretaries is a common fact, and has happened under other administrations, and, however it may be considered as a consequence to the parties concerned, is of no permanent consequence to the people; provided they have wise, good, and fit successors in office;

That the president has, in this instance, selected able successors;

And that, whilst those gentlemen have retired, yet the secretary of state, in whose patriotism and ability you have more immediate cause to confide, has declared that he knows no sufficient cause for such separation, and continues to co-operate cordially with the president in the discharge of the duties of that station which he fills with so much honor to himself and advantage to the country.

It would be an act of fatuity for the whig party to seek of breaking from the president, and thus to break itself up, because of any of these changes in the personal organization of the cabinet.

Sincerely trust, therefore, that conceding to the president the rights of conscience, and that you claim for yourselves, and applying well-balanced minds to the calm consideration of all the facts, listening to no suggestions of factions violence, you will continue to yield to the administration a frank and candid support.

However that may be, it remains only for me to say that in none of the events which have transpired, is it that I wish to see good reasons for a radical and revolutionary change of the constitution of the United States. No evil exists, it seems to me, which calls for revolutionary remedies.

Yet an address has gone forth from a portion of the members of congress, purporting to be the unanimous action of a meeting of rue whigs of congress, which, besides arraigning the president on various allegations of fact and surmises not fact, recommends such radical changes of the constitution.

The expression "true whigs," would be generally understood to mean all the whigs. What members of a meeting of rue whigs issued this document does not appear. So far as the journals of the house afford any means of knowledge, it would seem that at the time when that address purports to have been adopted, it being the last day of the session, after all its legislative business was completed, less than half of the whig members of congress were in Washing-

ton; and it is known of many members present in the city, that they had no part in its adoption. For my rate, had none.

I protest against the act itself, the measures it proposes, and the opinions it promulgates.

The act itself seems to me to have been wholly unwise as a party movement. Our wounds need to be soothed by emollients, not inflamed by irritants. In a constitutional sense, it seems to me still more unwise, when coupled with its matter.

It proposes the organization of a new party, having for its main object summary vast changes in the constitution of the federal government. To attempt to organize a party in pursuit of various and great changes of the constitution, at this time, is to waste one's life in the chase of bubbles—for there is no existing fact which impels the people to make such changes, and therefore they will not be made.

Those changes, if effected, would concentrate the chief powers of government in the hands of that of which this document itself is an emanation, namely a caucus dictatorship of congress.

The veto power has been stigmatized as a one-man power. By the fact of the republic it was established, and by the best exponents of the constitution it has been constantly defended, as a useful check on, not only unconstitutional or usurping acts of the two houses of congress, but in general on all "unpopular" legislation, whether improper by intrinsic defects of whatever sort, or by attendant haste or faction.

And if there be any description of bill which more than any other requires mature consideration, and when apparently unconstitutional justifies the interposition of the suspensive power of the president, surely it is one which proposes to trust to a private corporation jurisdiction over the currency by an act irrevocable.

If to clear the way for a bank, or for any other object, this suspensive power of the president over bills, this one-man power, is to be struck from the constitution, why not go to the root of the matter at once, and strike from the constitution other parts of the one-man power, which are at present among the functions of the executive?

In fact, it is proposed in that document to do this; for example, to give to congress jurisdiction over removals from office and administration of the treasury.

Do this—take away the veto, so as to leave the power of congress unchecked, this is, absolute, for all liberty exists by means of checks on despotism, abandon to it not only the law-making power, but the appointing power and the money-power—and where stand then the liberties of the people of the United States? Nominally, in the hands of congress; really, in those of an unwatched and untempered party majority of congress—nominally, in the hands prescribed by the constitution; really, in those of a heated and despotic party caucus—nominally, in the responsible hands of the senate and house; really, in the irresponsible ones of one man behind the scenes, wielding the government through congress, and congress through the caucus.

I want no such government. The dark shadow of its threatened coming is enough for me. Save the country from the despotism of congress on the one hand, as well as from that of the executive on the other, by continuing to each the partition of powers as the constitution provides.

Who is to be the platform of an executive consolidation? Who is to be the platform of a whig congress come to be the platform of an executive consolidation?

These new articles of creed for the party seem to me to resemble the codicils to the will of Caesar which Mark Anthony was continually finding, or the additional chapters of pretended revelation which Mahomet was accustomed to produce—*expedients* to meet the emergency of the hour.

The English commonwealth tried the experiment of government by legislative assemblies, balanced by no executive check, and was glad enough to escape from it into the arms of the milder despotism of Oliver Cromwell.

The French republic tried it, and after finding that its operation was to enable one party chief alone to control, backed by clubs and caucuses, to exercise irresponsible to law, such a bloody tyranny as the world never saw before, was content to welcome instead the outcroachment of Napoleon Bonaparte.

My friends, let us devoutly thank God for the happier government he has given to us, and, notwithstanding all these perilous novelties, the hot bod growth of temporary party passions, springing up gourd-like in a night to wilt and perish in the first sun—repudiating these new fangled whimsies, let us cling with fond affection to the constitution whose foundations were cemented by the blood of our fathers, and which, in so many vicissitudes of fortune, has proved to be the ark of salvation to our blessed union.

C. CUSHING.

Washington, Sept. 27, 1841.

NILES' NATIONAL REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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TOTAL OF ALEXANDER McLEOD.—Concluded.

POLITICS OF THE DAY.—wing state convention of New York.

CURRICULE.

NATIONAL AFFAIRS.

THE PRESIDENT left the seat of government and reached Baltimore on Thursday, on his way per the Norfolk line, to his residence in Virginia, for a short relaxation, which after several months arduous application to executive duties must be very grateful.

APPOINTMENTS BY THE PRESIDENT.

Bennet J. Crawford, of New Orleans, to be judge of the United States for the district of Louisiana, in the place of Theodore H. McCalah, deceased.

Joseph S. Sanchez to be marshal of the United States for the Eastern district of Florida. Reappointed.

Thomas Claiborne to be marshal of the United States for the Middle district of Tennessee, in the place of S. B. Marshall.

AUSTRIAN MINISTER. The minister from Austria, Wenzel, Baron de Marschal, who has, by his sovereign, been transferred to Portugal, had his audience of leave of the president on Thursday last. We subjoin the address delivered by the minister, and annex the reply of the president.

The Baron's address to the president.

I have the honor, Mr. President, to offer you the letter of his majesty the emperor, my august master, putting a period to my functions near the government of the United States.

The first instruction given me, was to endeavor to draw more closely the relations of friendship and good will existing between the two countries.

All my efforts have tended to this end, and I shall feel myself happy to have, at least in part, succeeded.

I shall preserve, Mr. President, a grateful recollection of the good feeling and welcome which I have constantly received from the authorities and citizens of the union, and I pray you, Mr. President, to accept the expression of my respect for your person.

The president's reply.

If you shall have occasion, in after life, Mr. Minister, to associate with your recollection of your residence near this government, "the evidence (to use your own expression) of good feeling and welcome which you have constantly received from the authorities and citizens of the union," it gives me pleasure to assure you, that the authorities and citizens of the United States will not fail to remember the urbanity of your deportment towards them, which has rendered so agreeable your intercourse with this government, and won for you the friendship of those whose happiness it was to know you.

I take pleasure in adding, that the emperor, your august master, could not have entrusted the high objects of friendship and good will, which dictated your mission, to hands more acceptable to the United States, than those of Wenzel, Baron de Marschal.

Talk with you, Mr. Minister, the assurance of my high personal respect.

VOL. XI.—Sic. 8.

CENSUS OF THE UNITED STATES.

We are at length enabled to lay before our readers the result of the new census—according to which, it will be perceived that the entire population of the United States, in the year 1840, was 17,068,660. The population in 1830 was 12,866,920

Increase in ten years 4,201,740
being within a fraction of 33 1/3 per cent.

This rate of increase has been so uniformly exhibited by each successive census taken since the formation of our government, that it furnishes almost a certain data for future estimates.

The population of the U. S. in 1790 was	3,929,326
" " " 1800 "	5,303,666
" " " 1810 "	7,239,903
" " " 1820 "	9,660,765
" " " 1830 "	12,866,920
" " " 1840 "	17,068,660

At the same rate of increase, the population, in 1850, will amount to twenty-two and half millions—and in 1860, to thirty millions.

Of the population of 1830, the total number of white males is 7,249,246
Of do. females 6,339,542

More males than females 309,404

This excess may be largely accounted for by the fact that of the immigration constantly taking place, a much larger number of males arrive from abroad than of females.

The colored population to whom this reason would not apply, is remarkably balanced. The aggregate

	Free.	Slaves.	Total.
Of males	186,467	1,246,408	1,432,875
Of females	189,778	1,240,605	1,440,383

Females more than males 7,508
Showing a difference of only 7,508 in an aggregate of 2,873,253 souls.

POPULATION OF THE CITIES. We find in the Philadelphia Inquirer the following table of the population of the cities and principal towns of the United States, made up from the official returns of the census of June 1, 1840.

MAINE.			
Bangor	8,627	Saco	4,408
Bath	5,141	Hallowell	4,654
Belfast	4,186	Thomaston	6,227
Brunswick	4,359	Portland	15,318
Augusta	5,314		
NEW HAMPSHIRE.			
Concord	4,897	Meredith	3,351
Dover	6,458	Nashua	6,054
Portsmouth	7,887		
MASSACHUSETTS.			
Andover	5,207	Lynn	9,367
Boston	93,353	Marlborough	5,575
Barnstable	4,201	Middleborough	5,085
Beverly	4,689	Nantucket	9,012
Cambridge	8,409	New Bedford	12,087
Charlestown	11,484	Newburyport	7,161
Dartmouth	4,135	Plymouth	5,281
Dorchester	5,030	Roxbury	9,089
Fall River	6,350	Salem	15,082
Gloucester	6,738	Springfield	10,985
Haverhill	4,336	Taunton	7,645
Lowell	20,796	Worcester	7,497
RHODE ISLAND.			
Cumberland	5,225	Smithfield	9,534
Newport	8,203	Warwick	6,720
Providence city	23,171		
CONNECTICUT.			
Danbury	4,504	New London	5,519
Harford city	9,468	Norwich city	4,200
Litchfield	4,038	Stonington	3,898
New Haven city	12,960	Wethersfield	3,524
VERMONT.			
Bennington	3,429	Montpelier	3,725
Burlington	4,271		

NEW YORK.			
Albany	33,721		
Buffalo	18,213	Brooklyn	36,233
Utica	12,782	Catskill	5,339
Rochester	20,191	Fishkill	10,437
Lockport	9,125	Hudson	8,672
Plattsburg	6,416	Kingston	5,824
Leopora	7,073	Mount Pleasant	7,307
Salina	11,014	Newburg	8,933
Schenectady	6,784	New York city	312,710
Troy	19,334	Poughkeepsie	10,006
Rome	5,680		
NEW JERSEY.			
Elizabeth	4,184		
Newark	17,290	Princeton	3,055
Patterson	7,590	Trenton	4,035
PENNSYLVANIA.			
Harrisburg	5,980		
Joyensensing	11,573	Pittsburg	21,115
Kearnsington	22,314	Chambersburg	3,329
Spring Garden	27,349	Pottsville	4,345
N. Liberties	34,474	York	4,779
Southwark	27,548	Erie	3,412
Philad. city	93,665	Westchester	2,132
Lancaster city	8,417	Columbia	2,719
Reading	5,410	Alentown	2,493
Carlisle	4,511	Norristown	2,937
Allegheny city	10,069	Wilkesbarre	2,718
Gettysburg	1,903	Sunbury	1,103
Bristol	1,438	Milton	1,508
Lebanon	1,560	Holdaysburg	1,296
Frankford	2,376	Huntington	1,145
Levittown	2,058	Williamsport	1,353
Washington	3,062	Meadville	1,319
DELAWARE.			
Wilmington	8,367		
Dover	3,790	New Castle	2,737
MARYLAND.			
Annapolis	2,793		
Baltimore	102,313	Fredericktown	5,183
		Cumberland	2,428
VIRGINIA.			
Fredericksburg	3,974		
Lynchburg	6,395	Portsmouth	6,477
Norfolk	10,930	Richmond	20,153
Petersburg	11,136	Wheeling	7,885
		Winchester	3,454
NORTH CAROLINA.			
Fayetteville	4,285		
Raleigh	2,244	Wilmington	4,744
SOUTH CAROLINA.			
Charleston	29,261		
		Columbia	4,340
GEORGIA.			
Augusta	6,403		
Columbus	3,114	Milledgeville	2,095
Macon	3,927	Savannah	11,214
ALABAMA.			
Mobile	12,672		
Montgomery	2,179	Tuscaloosa	1,919
MISSISSIPPI.			
Natchez	4,800		
Baton Rouge	2,269	Vicksburg	3,104
Lexington	2,697	New Orleans	102,193
		Opelousas city	10,706
TENNESSEE.—			
KENTUCKY.			
Frankfort	1,917		
Lafayette	3,207	Louisville	21,210
		Maysville	2,741
OHIO.			
Chillicothe	3,977		
Cincinnati	46,338	Dayton	6,067
Circleville	2,329	Lancaster	3,272
Cleveland	6,071	Staubenville	5,203
Columbus	6,043	Zanesville	4,766
INDIANA.			
Indianapolis	2,692		
Madison	3,798	New Albany	4,296
		Richmond	2,070
ILLINOIS.			
Alton	2,340		
Chicago	4,470	Peoria	1,467
Galeua	1,843	Quincy	2,313
		Springfield	2,579
MISSOURI.			
Jefferson city	1,174		
		St. Louis	16,469
MICHIGAN.			
Detroit	9,102		
Monroe	1,703	Ypsilanti	2,419
		Marshall	1,763
FLORIDA.			
St. Augustine	2,459		
		Tallahassee	1,616
WISCONSIN.—			
DISTRICT OF COLUMBIA.			
Alexandria	8,459	Washington	23,364
Georgetown	7,312		

adjusted through his instrumentality, are items that would render the responsible business of the commission a very difficult task. The agents are brought to bear on those who are not so well acquainted with the mode of managing these tribes as the Government. The object of the government we believe is to prevail upon the tribes and to sell out all their lands and agree to emigrate to Dakota territory. If this is effected, we shall have not only one of the best, but the very best watered territory that can be found in the world. Two of the greatest rivers will then have our shores—the Missouri on the east and the Missouri on the west with their innumerable tributaries "heading" high up and almost meeting each other in the very heart of the territory.

A company of dragoons is now at the agency, to prevent all improper conduct on the part of the whites or Indians. Captain Beach, the agent, has gone to St. Louis to make arrangements, obtain presents, &c., and it is expected that the treaty will be held between the 6th and 10th of next month. As the annuities of the Indians are to be paid for the present and last year, and as all the Indians of these tribes are expected to be present at the treaty, it is anticipated that a large company of whites will be present on the occasion. We would advise all such to go prepared to "camp out," as houses are not very numerous in that part of the Indian country. The place of holding the treaty is between 60 and 70 miles from Burlington.

UNITED STATES LOAN. A correspondent inquires why the government will not receive sums not less than \$5,000 in amount? We believe certificates are issued, or, if not, will be, as low as \$500, so that men of small means who wish to make a secure investment at 6 per cent. can do so. The apprehension of an immediate war with England has deterred capitalists from offering; but the agents of Mr. Leod having dissipated that apprehension, it is not now doubted that investments thus far held back will be sought with some avidity. [Madisonian.]

YORK LEDGE. A cast iron beacon has been placed on York Ledge. It is composed of six high low pillars, each 22 feet long, and placed so as to form a hexagonal pyramid, at the top of which is placed an iron cap, which rises eight feet above the top of the pillars—the whole beacon being therefore about 30 feet high. The bearings from it are, Boon Island light S. 3 N., about 7 miles; Whale's Back do. W. 3 N., S. 6 miles; York Noble N. by E. 3 miles; York harbour N. W. by N. 3 miles; east point of Island S. W. 7 miles; White Island shoals light S. by W. 7 W. 9 miles.

THE ARMY.

FROM FLORIDA. On the 11th inst. a party of between 200 and 250 Indians were put on board a transport at Tampa for New Orleans, in charge of Capt. Seawell, of the 7th infantry, and Major Capers, emigrating agent.

Conocochee came into Tampa a few days since from Tiger Tail, who is at present sick, and still disposed to come in as soon as the Arkansas delegation arrives and reports their country most favorable to reside in.

Mr. Hambaugh, the sutler for the 6th infantry, died very suddenly a few days ago, at Cedar Keys.

LATE FROM TAMPA BAY. St. Augustine, October 8. We have advices from Tampa to the 1st inst. On the 6th Col. Worth was to ship from 250 to 300 Indians westward, of whom 95 were warriors.

On the 20th, the two vessels were to be simultaneously dispatched throughout the territory.

Sampson, a slave of col. G. Humphreys, who was captured by the Indians at Caloosahatchee, succeeded in making his escape, and went into Tampa on the 30th ult. He has given some very valuable information to the commanding officer.

Capt. J. M. Cullen, 6th infantry, died recently in middle Florida. [Vice.]

LITTLE ROCK, (Ark.) Sept. 27. The steamboat Atlanta, with several companies of United States soldiers, from Fort Gibson for Florida, struck a snag and sunk a short distance below Van Buren. The soldiers, we understand, are to march across the country to Rockrose, on White river, and there take a boat for New Orleans.

A keel boat, containing officers and their families, intended to arrive here yesterday morning, and are to leave this morning for the mouth of the river. [Times.]

THE NAVY.

MIDSHIPMEN. The National Intelligencer says: We are requested to give notice that all the appoint-

ments of midshipmen, required by the present laws of the naval service, have been made, and that a list of the names of the successful candidates will be published in the Register.

WAR STEAMERS. Two or three have been ordered for building on the wharves at Norfolk, of from 6 to 700 tons—to be propelled by Hunter's apparatus—each engine to be constructed at the Washington navy yard. Lieut. Hunter will have a general superintendence of this steamer.

Another steamer, of about the same dimensions, will have Capt. Stenoer's apparatus, and that officer has the direction of the construction of this steamer.

STATES OF THE UNION.

MAINE.

LAND SALES. The Bangor Whig says—The land agent of this state has advertised the settling lands in fifteen townships, for sale. These lands are declared by those who have examined them, equal if not superior to any farming, to any in the state. Dr. Holmes, who some time since made a reconnaissance over that portion of the state, speaks of the fertility of the soil, in the highest terms; and Dr. Jackson calls the northeastern section, the granary of the state. The progress that has been made in the settlement of the Westbrook country is the strongest proof, however, of the opinion of practical men.

MECHANICS' CONVENTION. There is more too much time previous to the assembling of the convention of mechanics at Augusta on the 30th instant, for the delegates in the several towns to select their delegates, and make the necessary arrangements. The convention has been decided upon as the best means of awakening that spirit of improvement in the arts, and in the mental, moral and social condition of that numerous and important class engaged in the productive arts. The progress that has been made by the few in physical sciences, to which society owes so much for its increased comfort, needs to be more widely diffused among the practical artisans of the country; for it is now pretty well understood that every practical mechanic should be acquainted with science on which all the arts are based.

[Bangor Whig.]

PROFESSOR ESW. THE Bangor Advertiser says—The M. C. M. association, with a spirit which is worthy of something more than the commendation from all who are interested in the character and prosperity of Portland, have engaged this gentleman to deliver a course of lectures, on the philosophy of storms, at their own charge. With a view to the general advantage they have reduced the price of tickets to the nearest trifle, and the course to five lectures.

Shall these enterprising mechanics be encouraged in other words, will the fathers and mothers, the masters, the merchants, the ship owners, the employers and the property holders of Portland, to all of whom the knowledge communicated by professor Esy, would be valuable in a thousand ways, exceedingly pleasant; and capable of being applied by any person of tolerable understanding to the daily business of life—will they stand by the Mechanic association, assist in providing amusement and instruction for our people worthy of our day, and in upholding the character of the town—or will they stand aloof, and refuse to foot the bills, and when it is too late, express their sorrow, and wonder why they were never applied to personally for the encouragement of such a praiseworthy undertaking.

There is no time for such personal application. Nor ought it to be required. The next lecture is to-morrow night—and if our people do not wake up and encourage the enterprise in season, they may rest assured that lecturing will be over in Portland for one while.

P. S. I have only to add the expression of my belief that professor Esy is one of the best lecturers that ever appeared—living or dead.

THE TRIENNIAL FESTIVAL OF THE MAINE CHARITABLE MECHANIC ASSOCIATION. The following are the regular toasts. After the announcement of each member, the member appointed by the class complimented, responded in a speech and concluded with a sentiment.

Prior to announcing the sentiments, the president, (Mr. Oliver Gerrish, who we must say presided during the evening with much skill and ease), made an appropriate speech—which he concluded with the following address:

The old adage—"Two of a trade can never agree"—should be obliterated from our memories, and let us by our actions, show to the world, that fellow craftsman can agree, and guided by the golden rule, do to our brethren as we would they should do to us.

REGULAR TOASTS AND REPLIES.

1. **Housewrights.** The work of our brother class is the great basis of the present and future of our state of society; may their improvement in moral and intellectual building be as distinctly marked.

By Peter Mugford. The descendants of the ancient Britons present—although they are not all builders of earthly dwellings—it is hoped that while they gradually improve intellectually, they will also morally build up as assistants to the image of that great Architect who layeth the beams of his chambers in the waters, so much so that they may be prepared not only to be useful and happy here, but for that habitation whose maker and builder is God.

2. **Masons, plasterers, brick makers and stone cutters.** Our third of this class furnish us with buildings of the most durable and any other moral influence stand monuments as lasting and beneficial.

By Joseph Poland. The officers and members of the association—may the mortar we build with, be tempered with wisdom, cemented with brotherly love—each built on the sure foundation, and each possessing an interest in the edifice ever stronger.

3. **Blacksmiths.** With strong arms and stout hearts, may they in every good work be as the anvil, and may they temper their minds as never to become the tools of others, or forge any chains for themselves, but those of brotherly love.

By Charles Staples. Mechanics—may we with a correct education as with a bellows, blow upon the kindling embers of our minds, until they become a mighty flame, which shall consume all false opinions, and light us up to that elevated station designed us by the Creator.

4. **Cabinet makers, chair makers, organ builders, piano forte makers, turners and plane makers.** May they never become dissatisfied with their appointments, and wish to break up the cabinet; loath a good business and desire work, fair of course; get out of time by slighting their work; turn themselves out of employment by unfaithfulness; or neglect to plane the rough places in their lives, if any there be, smooth!

By Calvin Edwards—The citizens of Portland. May their patriotism and pride, prevent the dissolution of the Union, and may they prize and respect enough to sustain their chair makers; harmonize enough of soul, candor enough of heart, to appreciate good tone and touch when produced in their own city not to turn with indifference or disgust from plane makers of fact, and by their custom enable them to arrive to the summit which they so much deserve.

5. **Copers.** May they never make any thing known only by the noise they make; but recollect that as their casks to be useful must be filled, so must their minds—else they will not answer the purpose for which their MAKER designed them.

By Henry B. Fernald. M. C. M. association—May the members follow the example of their predecessors—their founders having their minds well furnished with useful knowledge, being bound together in the bonds of love, and when at last death shall sever those bands, may they be raised in a new and more beautiful form to appear in the presence of their great Creator.

6. **Painters, glaziers and brush makers.** The first beauty even the eye labor upon—the second convey the great blessing of light into the dwellings of the poor; last make the ladies good natured, by furnishing them the means to "keep the house tidy." And while our habits are rendered pleasant by the painter, may the light, furnished by the glazier, remind us of our dependence upon the GREAT LIGHT, and lead all to truth and to the maker of our world.

By Ezekiel Gammon. The fair of Portland—Dear to the painters, glaziers and brush makers. Painted by the hand of nature, they are warranted fast colors; their frames are admirably fitted for setting the "best double crown," and when rightly handled, who like them, can break away with care.

Best men, shoe makers. In honor of these sons of CRISPIN who protect our understandings, and who are always ready to stick like wax to the last in vamping up a good cause; may each the single-soled ones now on tramp not only find fair mates, but make good fits, and never be able to tell where the shoe pinches; and may the double-soled ones never kick in vain for a seat of work or be cramped in their spurs by wear.

By H. H. Boddy. The world's benefactors. Our greatest friends, the shoe maker—his love is to cut soles, and he sticks like wax to his last.

8. **Tailors.** The necking of a goose once saved Rome—the rapid flight of the tailors' gait not only supplies their wants but "puts money in their pockets" and so the trade comes forth in making the outer man; may they faithful as the needle to the hole not forget to clothe the inner man after the pattern of their maker, and have such an understanding with

each other as not to be *sponged* by the genteel loafers of the day.

By Charles Baker. The "genteel loafer" who has *sponged* his tailors of the rich trimmings, who has decorated his "outer man." He deserves the contempt of all honorable and high minded men, and should be made to feel their kicks and cuffs, until his "inner man" is made to sing and sing, like a bird in a cage.

9. *Hatters*. Every ready to exert their skill to crown that noble part of man's edifice, "where reason sits enthroned." When the cap of LIBERTY is in danger, may they never like blocks, stand *anvils*; but, in the bands of brotherhood, with sentiments, better fitted than expressed, go as far as any class to protect their country's colors.

By Benjamin Richards. The haters of our country—May that class who have crowned more heads than the kings and emperors of Europe, ever rally around the ensign of liberty to see that their colors are fast, and never desert their exertions till they subdue the foes of freedom, put *cap upon despotism* which shall be *felt*, and cap the climax of mechanical perfectibility.

10. *Bakers and confectioners*. While the former have the honorable duty assigned them of providing man with the "stuff of life," the latter furnish that which ranks high with *ladies* and confound the chief of the brain with blushing *tableaux*, *knives* and wedding cake, to the gratification of their *ladies*; their aid, may they so mould their minds as to be ready to leave "sweet home" to brave down any civil ferment, or preserve the national boundary from foreign aggression.

By Reuben King.—Our northeastern boundary—Without much pretension to scientific knowledge, we can see that highlands are not in the beds of rivers, and should occasion call, we shall be prepared to back up our opinion, with solid arguments.

11. *Printers, book binders and paper makers*. Although we had books and paper before the art of printing, were extremely scarce; but since its discovery, the sciences and literature have been dispensed, as if a new sun had been created, bearing its beams of light to every mind. May the first never justify one line of matter that "dying they would wish to blot"—the second never find a sheet or bind a book that would oppress the purest mind—the last never fail to keep them well stocked with good paper.

By Arthur Shirley. The several classes of mechanics composing this association—Having been aided by their skill and enterprise in advancing the art of printing to its present state of perfection, may those who wield this mighty lever possess sound minds and pure hearts—regarding the greatest good of the greatest number—may their pure light, that, like a little heaven it may lighten the whole lump—and all our brethren partake largely of its benefits.

12. *Mathematical instrument makers, watch makers, gold and silver smiths, gilders and looking glass makers*. The mathematical instrument makers assist astronomer and navigator; the watch makers, the clock makers the community in dividing time for various purposes of life; the gold and the silver smiths and gilders furnish housekeepers with the useful and ornamental; and they may always have the mirror of TRUTH before them, and so regulate their lives as to receive spiritual gold and silver—the verge of their existence so we need, that their skill shall be no friction when time with them shall cease.

By James Todd.—When we embark on the great voyage of eternity, may we find that we have so well used our instruments here, that they will then give us the true latitude and departure, and guide us to the abodes of the blessed.

13. *Machinists, cutlers, copper smiths, brass founders, iron founders and plate workers*. The noble and precious treasures to you to be moulded into a thousand forms for the convenience of man. 'Tis the machinists' province to furnish the means of saving human and animal labor, thus making the necessities of life more abundant and consequently within the reach of all; may they never forget that there is a reciprocal dependence between them and the other branches of their class—whatever their occupations are, that none should labor for himself alone, but for the good of the whole, making one grand unit, like the human frame.

By George Ropes—Power, physical and intellectual—time and space are the limits of the one, the mind of man cannot conceive the boundaries of the other.

14. *Butchers, tanners, curriers, soap makers, and tallow chandlers*. They all try to make the "currier" useful. Some "eater for the mass," some assist in defending us from the inclemency of the weather, some labor to effect our purification, and others to bring light out of darkness. May they never kill in

nocence; fall into the pit of iniquity, carry with demagogues, frame any weak law to cover their shame; nor mould themselves to deeds that will not bear the light of truth.

By Elbridge Tobey. The orator of the day—We have long known him as a skillful caterer for our physical wants—and he has shown us this day, that he is well skilled in selecting good food for our intellectual appetites—may he always enjoy physically, morally and intellectually "a feast of fit things full of marrow."

15. *Saddlers, harness makers, carriage builders and plough makers*. May they never be saddled with bad debts, or harassed to evil habits; but may their carriage be so contrived that the shafts of man will not harm them, and may they, like the independent husbandman, at his plough, stand erect, as created by Deity.

16. *Ship builders, ship joiners, boat builders and caulkers*. It is by their aid that one nation is brought into intercourse with another, and civilization and the comforts and luxuries of life spread over the globe. Their handiwork are the "foreign ministers" of the mechanics, sent to all parts of the world as their representatives—may it always be their just ambition to enable their brother mechanics to say, "—and our of our diplomatic corps."

By William Bennett. Though rarely *disbursed by the storms*, so prevalent in the sea of speculation, and consequently now on the stocks to be repaired; may she soon be launched on the ocean of prosperity, and under her present commander bring good freight to Portland.

This sentiment was responded to by Mr. Churchill, the mayor, by a speech, and the following toast—

Doctor Benjamin Franklin, the mechanic, and philosopher; may every member of this association imitate his goodness and greatness, and improve upon the model.

17. *Pump and block makers, rope makers, riggers and sail makers*. Necessary occupations in either the military or human life, the ship either for national defence or commercial pursuits. The pump though simple in construction is powerful in its effects, and thousands of lives have depended on its operation for safety when the *spars*, *sails* and *rigging* were disabled by misfortune. May they unite to support the ship of state; be bound to sobriety, industry and temperance. May they carry the breeze of life in the walk—and as long as the breezes of life shall fill their sails; and, after being wailed over life's tempestuous ocean, be snugly moored in the HEAVEN or REST.

By Samuel R. Leavitt. The M. C. M. association—May she always be like the noble ship with her sails well sheeted home and well swayed up, with a good pilot and helmsman, always clear of a lee shore; and being strongly spliced to good principles by total abstinence from all that can intoxicate, sail happily over life's tempestuous sea and arrive safely at last in the haven of rest.

By Charles J. Barbour. Our honorary members—We honor you as our lawyers, ministers, but as patrons of the arts and friends to mechanics—may their patronage never induce us to distrust the necessity of watching with a jealous eye, those mechanics that fatten on the industry of them who are innocent of their duplicity; but rather may our associating with those we delight to honor stimulate us in the culture of our mental faculties, so that our intellectual, shall be equal to our physical strength; and then we can not only demand, but obtain that in our republic, places of honor and profit shall not be bestowed upon professional loafers, nor rich men's pangers, but upon the most meritorious of all classes.

This sentiment was responded to in a short speech by John Neal in behalf of the honorary members of the association.

Out of respect to the ladies, we append one sentiment offered by one of their number.

The mechanics of Portland—Honest, enterprising and intelligent—we may our city be proud to display them. May the name of "mechanic," ever be the surest word to win the female heart.

Many other excellent sentiments were given by the members of our mental faculties, and the

The regular toasts were interspersed with songs and glees given in fine style, by several ladies and gentlemen.

The company broke up about ten o'clock, every individual manifesting the highest delight.

Each class was preceded by a beautiful banner, and each by a band of music. The ladies added much to the beauty of the procession, and reflect credit upon the taste of those who designed them, and also upon their painters. Most of them were painted by Mr. William Capen. That for the blacksmiths, &c. was painted by J. E. Hodgkins. That carried by the printers, &c. was prepared by Messrs. A. Shirley

and S. G. Cudworth. All the gentlemen named, are members of the association.

The banners were covered with appropriate mottoes and sentiments—and most of their staffs surmounted with tools or emblems of their trades. The butchers with knife and steel—the machinist with a miniature steam engine—the painters with a brush—the shoemakers with a hammer, &c. &c. The printers had a lever printing press in the procession, drawn by two horses—on which was occasionally worked and scattered among the crowd, the order of exercises. This attracted much attention. The mottoes, &c. were as follows—

1. Housewrights. On one side—"Strength, convenience—the great desiderata in civil architecture." On the reverse—"Our labor and skill are indispensable to the advancement of civilization."

2. Masons, plasterers, brickmakers and stone cutters. One side—"We are free masons—our secret is, industry and skill." Reverse—

"When history's page no date can give of empires overthrow,

"Our country's deeds and ours shall live in monumental stone."

3. Blacksmiths—On one side, motto, "Strike while the iron is hot"—with a drawing of two sons of Vulcan, a forge, fire and anvil—one of them with uplifted sledge hammers, the other with anvil, and the other holds on the anvil. Reverse, motto, "To this are all indebted"—with a sawy arm swinging the sledge.

4. Cabinet makers, chair makers, organ builders, piano forte makers, turners and plane makers. One side—"Our cabinet, although composed of different materials, is too strictly connected to be easily separated." Reverse—"Our chords of earthly harmony lead to the regions of the golden harp."

5. Coopers. One side—"Nothing but division can ever square the hoops of our casks." Reverse—"Bound by the circles of economy, driven by the hand of industry."

6. Painters. A beautiful specimen of painting. 7. Boot and shoe makers. One side—"Sons of Crispin, Sherman, Pendrell, Lee, Gifford, Bloomfield and a host of their craft, having labored with their awl, (the figure of an awl pointed), to mend the soles and improve the understandings of mankind." Reverse—"We have boots, shoes, hats, and that will not pay the shoe maker, is not worthy of a shoe."

8. Tailors. One side an ornamental wreath, in the centre of which the motto, "Think and act." Reverse—"By concord small beginning lead to greatness."

9. Hatters. One side—"Caps for infants and soap-baths for men." Reverse—"United in the bands of temperance, we are crowned with honor." (Painting of a beaver).

10. Bakers and confectioners. One side—"We'll mould the paste of life with skill, stamp it for use and not for show—and when at last, our batch we fill, we shall not wish our cake, surmounted with the motto, "The staff of life."

11. Printers, &c. On one side two presses—a Ramage and a copperplate. Motto, "The tyrant's foe, the people's friend." Reverse—"A Napier press with the steam engine that moves it. Motto—"Full of the spirit of improvement." Also a drawing, emblematical of the manufacturing of paper. The pole surmounted by a book and binder's roll.

12. Mathematical instrument makers, watch makers, gold and silver smiths, looking glass makers and gilders. One side—"The true measure of time is by deeds, not by centuries." (Hour glass.) Reverse, within the drawing of a mirror—"We make no unjust reflections, but hold the mirror up to nature."

13. Machinists, cutlers, coppersmiths, brass founders, iron founders and plate workers. One side—"New truths, new treasures, shall our fire unfold—and change an iron age to one of gold." Reverse—"Moulded from patterns of goodness and truth, the casts of our character need neither soldering nor brazing."

14. Butchers, tanners, curriers, soap boilers and tallow chandlers. One side—"Supported by the (drawing of a bullock) kingdom." Reverse—"Union is strength—let us stand fast and firm."

15. Saddlers and harness makers, carriage builders and plough makers. One side—"Saddle us not with bad debts—harness us not to evil habits." Reverse—"May our carriage ever be upright. God speed the plough."

16. Ship builders, ship joiners, boat builders and caulkers. One side—"A ship on the stocks. Reverse—"We lay the foundation of commercial enterprise."

17. Pump and block makers, mast and spar makers, rope makers, riggers and sail makers. One side—"A full rigged ship. Reverse—"By commerce we live."

MASSACHUSETTS.

NOMINATION. The Van Buren convention have nominated Marcus Morton for governor, and H. H. Child for lieutenant governor, at the next election.

THE BOSTON EXCHANGE. The last of the massive pillars for the front of the Boston exchange was brought into town last evening. The last but one was raised yesterday morning. The work of this beautiful building is advancing with great rapidity. The walls are mostly up and upon the rear the workmen are already laying the iron roof. The covering of the roof consists of galvanized iron, which promises to be the most safe and durable description of roof which has yet been invented. [Boston Daily Jbr.

The receipts at the late Mechanics' fair in Boston, amounted to upwards of \$15,000.

VERMONT.

ELECTION. The Montpelier Watchman of the 4th gives the official canvass for senators in that state—

Highest whig vote	24,736
Highest democratic vote	21,730
Highest abolition vote	1,209

Scattering 140
The Van Buren vote at the presidential election last November was 18,055. More now, 3,685. The whig vote last November was 42,517. Less now, 7,781.

RHODE ISLAND.

THE GREAT SUFFRAGE CONVENTION IN RHODE ISLAND. The people of Rhode Island, or certain portions of them, are dissatisfied with the present form of government, under which that commonwealth of some thirty miles in length and half as much in breadth, have managed for a couple of hundred years to live, and a convention of delegates elected without any legal authority, lately assembled for the purpose of bringing about a change in the organic law of the state. The Providence Journal of Wednesday publishes the following outline, as comprising the principal provisions of the constitution which was agreed upon by the delegates lately assembled at Providence, for the purpose of effecting a change in the organic law of Rhode Island:

Declaration of Rights.—The declaration of rights does not differ materially from those adopted in all other constitutions. The great principles of liberty are guaranteed; the right of fishing and fowling according to the ancient customs of the state is distinctly recognised.

Suffrage is extended to every white male citizen of lawful age, resident in the state for one year, and in the town in which he offers to vote for three months. But in any question of raising a tax, or appropriating the proceeds of a tax, the voter must be possessed of property, either real or personal, to the value of \$150.

Legislature.—The senate is composed of twelve members, elected by districts; and the house of representatives consists of thirty members.

The governor has a veto power, but the majority of both houses of the general assembly can pass a bill after having been returned with his objections. He is allowed forty-eight hours to consider a bill.

The judiciary consists of a supreme court, and such other courts as the general assembly may establish. The judges are to hold their offices until removed by a vote of both houses.

Sheriffs and justices of the peace are elected by the people.

The state election was fixed for the first Wednesday in April.

Or the manner in which it is proposed to carry this new frame of government into operation, the Journal remarks:

"We can see no other mode than upon forcible revolution, and from the tone of the debates in the convention, and the remarks out of it, it would seem that such a course was not looked upon as improbable. How such an attempt would be met, and what would be the consequences, we do not at the moment propose to discuss. The leading men in the convention were Thomas W. Dorr, Dutee J. Pearce, Aris Balou, John R. Waterman, J. B. Rathbone, Perez Simmons, Palenon Wileott, Dr. J. A. Brown, Saml. H. Wales and one or two others. The debates, although on several occasions warm, were courteous and conducted with propriety, and the members of the convention separated generally in harmony and union, although some were not satisfied with the constitution proposed, and declared that they should not support it. The proceedings of the convention have not excited much attention, and although held in a very central place, few spectators have attended. Indeed, for the last half of the session, it was difficult to keep a quorum of the members in their seats. Doubts were expressed if a quorum would meet in November, and Mr. Dorr thought that the adjournment would prove the death-blow to the whole affair, but

the members present at the adjournment very generally and strongly declared their intention to meet again.

"It must be considered a curious spectacle—and one which no other country, if any other state, can present—a number of men assembled for the avowed purpose of overthrowing the government under which they live, without any authority from the legislative or executive powers, and yet proceeding without opposition and without hindrance. The monstrous tyranny of the state government, which was so loudly denounced, was not surely displayed on that occasion."

NEW JERSEY.

RAIL ROAD. It is expected that the section of the Elizabethtown rail road from Bound Brook to Somerville, N. J. will be completed within a month.

NEW YORK.

VAN BUREN MASS CONVENTION. The Hudson Gazette states that James Buchanan, of Pennsylvania; John C. Calhoun, of South Carolina; Robert J. Walker, of Mississippi and Silas Wright, of this state, will attend this great convention of the democracy of the river counties, to be held at Kingston, on the 7th of this month. The editor says—

"This is a strong team, as the phrase is, and right glad should we be to make one among the crowd, on that occasion, to listen to these strong men of our party."

CANDIDATES. Bowen Whiting, of Sebec, is the V. Buren candidate for congress in Ontario county, to supply the vacancy occasioned by the resignation of Mr. Greig. Francis Granger (late postmaster general) is the whig candidate.

The Van Buren party of New York have put the following persons in nomination for the assembly. Auguste Daveaz, John O'Sullivan, Daniel C. Pentz, Conrad Swackhamer, Paul Grout George Weir.

SOME OF THE HELDERBERGERS IN LIMBO. The Albany Daily Advertiser of Friday says, "Matthew St. John and John S. Church were arrested yesterday by constable Dodge, in this city, and brought before the police. They were identified by Rider, a deputy sheriff of this county, the two of the 'Helderbergh Indians' who took part in a process of tarring and feathering Rider when on a visit to the Helderbergh in an official capacity. The accused were held to bail to answer the charge in the sum of \$500 each."

CANAL TOLLS. The whole amount of tolls collected at Buffalo, from the opening of the navigation up to October 1, 1841, is \$281,994, which is \$45,390 more than in the same period of 1840. Every where along the line of canal there is an increase of toll collected.

STATE CANALS. We learn from the New York American that the amount received for tolls on the canals of the state during the last week in September, 1841, was

\$55,345 25	
Same period, 1840,	79,859 60

Increase, \$5,485 65
The amount received during each month in the season of navigation for 1840 and 1841, was as follows:

	1840.	1841.
April,	\$94,980 26	\$91,244 37
May,	254,113 66	353,746 77
June,	205,916 56	254,256 09
July,	161,359 59	232,719 61
August,	197,005 60	219,911 61
September,	271,532 17	297,362 87
	\$1,184,897 84	\$1,432,240 75
		1,184,897 84

Increase for 1841, \$247,342 91

The following statement shows the amount received from the commencement of navigation to the 30th of September, inclusive, for the last seven years

1835,	\$1,095,202	1839,	\$1,129,795
1836,	1,168,443	1840,	1,184,898
1837,	1,183,405	1841,	1,432,241
1838,	1,083,761		

It will be seen from the above table that the tolls for 1841 exceed the amount received during the corresponding period of 1840 by the enormous sum of two hundred and forty-seven thousand three hundred and thirty-three dollars!

There has been a perfect avalanche of western products upon us within the last 24 hours. Our marine list to-day presents the following summary of the principal articles—43,354 bushels wheat, 12,485 barrels flour, 5,226 bushels corn, 2,600 bushels oats. In addition there are now (1 o'clock P. M.) nearly

twenty vessels in port, among them the ship Superior, whose cargoes we have not been able to procure before going to press. [Buffalo Com.]

HOME INDUSTRY CONVENTION. We learn from the New York Commercial that about one hundred delegates were present at the opening of this convention on Friday morning. Delegates were present from Rhode Island, Vermont, Connecticut, New York, N. Jersey, Pennsylvania, Maryland, Virginia, Indiana and Florida.

The meeting was organized by the appointment of General James Tallmadge, as president; the honorable Mahlon Dickerson, of New Jersey, James Brewster, of Connecticut, Judge Harwood, of Maryland, George Field, of Florida, esqs. vice presidents; and Loring D. Chapin, of New York, M. Copeland, of Connecticut, and L. A. Stokes, of New Jersey, secretaries.—The objects of the convention were succinctly explained from the chair. Mr. Joseph Blunt, of New York, brought the meeting to work by proposing a resolution for the organization of a home league, for the purpose of protecting American home industry, and the diffusion of the principles of free trade. The resolution was ably sustained by the mover, and adopted.

TEMPERANCE CELEBRATION. According to announcement, the great New York temperance mass jubilee took place yesterday. The weather, like the cause, was, from dawn to sunset, full of heaven's own joyousness and serenity; and the great moral exhibition of thousands of our fellow citizens, as they passed through the principal streets and avenues of our city, in the motherhood of peace and the vindication of mind in its consciousness of nobility, was such as has never before been seen among us, one which has undoubtedly shed a gleam of hope around many a hitherto desolated fire-side.

The deputations from abroad were numerous and respectable, and their banners bore some beautiful illustrations of the decided principles of abstinence. Baltimore was most happily represented; and her champions in the cause—among whom were Messrs. POLLARD and WEIGHT—added much to the effect, as missionaries from what might be fairly termed the parent society. Boston deputed her "pilgrims" to the Mecca of temperance amidst great exertions, and a large concourse of travellers. Newark, Brooklyn and Williamsburg sent living assurances of their perfect though youthful maturity in the cause.

But the addresses were the grand climacteric of the day's enjoyments; and of the orator of the day, T. M. WOODCROFT, Esq., secretary of the New York W. Temperance benevolent society, was a masterly specimen of talent impassioned by sacred zeal, and arguments enforced by truth; it was well worthy of the occasion, and evidently went home to every heart.

The vast area of Tompkins square was covered with groups of happy and interested thousands, and the day's celebration terminated at about 5 o'clock at the Park, where the societies were dismissed to repair to the respective halls of refreshment and evening jubilee.

Could but the universe such sight behold,
How many a heart were wakened where none is cold!
How many a mind awake till 'insensate dream,
Wave 'manner things and 'manner men!

Several bands of music accompanied the procession throughout, which was halted in its progress by the approving smiles of thousands of both sexes and all ages and conditions; while the splendor of the banners and the beauty of the various badges and ornaments of each successive society gave an inspiring appearance to the entire spectacle. The crowd seemed to add, that this was the first temperance mass jubilee we have had. May the universe hail its centenary recurrence!

JOHN HAWKINS, the distinguished temperance lecturer from Baltimore, is now on a tour of duty through New Hampshire and Vermont. He spoke at Keene, N. H., on Wednesday last, and devoted his four hours and pledges to total abstinence in that country village. He proceeded thence to fulfil appointments in Rutland, Montpelier and Burlington, Vt. and is to speak in this city on the 21st, (Thursday of next week). [N. Y. Tribune.]

PENNSYLVANIA.

ANOTHER AMERICAN FURNACE. The Crane Iron company have commenced the erection of another anthracite furnace, in the vicinity of their present works on the Lehigh, near Allentown.

EFFECT IN PHILADELPHIA OF THE STOPPAGE OF THE UNITED STATES BANK. A letter from a friend in Philadelphia who has had many opportunities of observing the state of feeling in that city, says that persons at a distance can hardly conceive the extent of

private distress which the failure of the United States bank has occasioned. A gloomy gloom seems to have settled upon the faces of a large portion of the inhabitants. In almost all the circles in which you visit, you hear of some poignant instance of suffering—of wealthy families suddenly reduced to poverty, of widows who have lost their all, of orphans stripped of the patrimony which a long life of labor and economy on the part of their parents had collected for them, of merchants compelled by diminished means to relinquish their houses and move out of town, and of laborers robbed of the hard-earned savings of many years. Indeed, the details are melancholy; the usual gaieties of society seem to be arrested; and but for the absence of the customary signs of mourning, one would be disposed to think that the whole city had experienced a great loss, that some calamity had visited it, that a pestilence had carried off its people, or that some great good man, universally beloved, had been taken away by death. Such is the general expression of sadness that you see every where.

[New York Post.

It is not matter of surprise that gloom should overspread the community, if the following account of the depression of the value of stocks in the institutions of the state is to be relied upon. We take from a late number of Bicknell's Reporter a table showing the price at which certain stocks were sold three years ago, and what is the present value of the same stocks.

It will be seen (says the Reporter) that we have mentioned only a portion of the stocks that have been bought and sold so freely in our market within the last few years. The picture it presents is frightful indeed. It will be seen that out of a capital of little more than sixty-two millions of dollars, there is an aggregate loss of nearly fifty-seven millions!! We think, therefore, that we may fairly head the table thus: *The bubble of stock speculation illustrated by a few facts.*

	Capital.	Value three years ago.	Value at present.	Per cent.	Value at present.	Per cent.
United States bank	25,000,000	100	123	10	39,350,000	
American bank	1,000,000	100	300		270,000	
Pennsylvania bank	2,000,000	100	500	250	1,500,000	
Philadelphia bank	1,250,000	100	103	75	594,000	
Farmers' & Merch.	1,300,000	100	50	15	425,000	
Commercial bank	1,000,000	100	50	44	350,000	
Mechanics' bank	1,400,000	25	54	26	1,120,000	
Northern Liberties	350,000	25	45	30	130,000	
Shawkill bank	1,000,000	50	50	5	90,000	
Southwick bank	250,000	50	60	45	75,000	
Kensington bank	250,000	50	75	49	175,000	
Penn Township b/k	500,000	50	75	40	350,000	
Girard bank	5,000,000	5	53	28	2,500,000	
Western bank	500,000	50	59	30	255,000	
Mantic & Mech. bank	401,300	50	55	35	150,520	
Maryemans' bank	250,000	50	55	34	85,000	
Shawkill Nav. co.	1,000,000	100	50	39	390,000	
Schuykill Lyons	2,500,000	100	95	70	550,000	
Lehigh Coal co.	1,500,000	50	90	15	1,550,000	
Lehigh Lumber co.	4,400,000	100	60	60	1,750,000	
	32,217,300				16,757,920	

MARYLAND.

MAP OF MARYLAND. MR. FIELDING LUCAS, JR. is about to publish a map of Maryland, 55 by 38 inches in size, and containing a portion of the adjoining states, at \$5 per copy.

GEORGIA.

TWO MEMBERS OF CONGRESS RESIGNED. The Georgia papers announce the resignation of Messrs. Alford and Nisbet, of their seats in congress.

BANKS. We have previously noticed the fact, that the Mechanics' bank, and the bank of Augusta, were paying out their bills freely to pay for our staple. We have now the pleasure of announcing to our country friends, that all our banks have come to a similar determination, and the planters may therefore confidently calculate on receiving a specie paying currency, for their crops. [Georgia Chronicle.

ALABAMA.

THE PENAL CODE passed by the last legislature, took effect on the 1st instant. The Mobile correspondent of the New York Advertiser writes that it is one of the most rigid and severe laws of any state in the union, so much so as to make many sections of it a "dead letter." The kind and warm-hearted sympathies of the people are a serious barrier to a rigid administration of justice. The penitentiary is not yet quite completed. A good deal of opposition prevails in the state to the establishment of the penitentiary.

*Nominal

TENNESSEE.

LEGISLATURE. The message of the governor, and the report of the state treasurer, were read in the legislature on the 7th inst. The first is a long document, occupying about eight and a half columns of the Nashville Whig. The report of the treasurer exhibits the financial condition of the state in a rather satisfactory condition—receipts \$669,339 23; disbursements \$470,744 75—balance in the treasury \$139,590 47.

KENTUCKY.

A REAL COMPLIMENT. We learn from the Louisville Courier, that the citizens of Woodford have purchased the fine farm, in that county, on which the honorable J. J. Crittenden was born, and made him a present of it. The price paid was \$17,000.

OHIO.

THE BANK QUESTION. The Springfield Republican gives a list of the banks of the state of Ohio, showing an aggregate capital of sixteen millions of dollars and adds that nearly this whole amount of banking capital, required for the trade of the community, is about to be withdrawn by the expiration of the charters which occurs on the 1st January, 1843, a list of which is given.

A FEARFUL TIME AHEAD! The Ohio State Journal of the 6th inst. says: Of \$11,115,567 of banking capital returned as paid in in the banks of this state the Bank of Lebanon, Bank of Cincinnati, Lancaster Bank and Clinton Bank of Columbus, not included; there is owned in the state \$4,386,132, and out of it \$6,750,436. Should no measures be adopted during the ensuing session to renew the charters of the banks, three-fourths of this immense amount will have to be collected by the people, and will be withdrawn from the state altogether. The state of New York, with all its vast resources, could not stand such a drain of capital without being convulsed from centre to circumference. It must unavoidably derange the business of Ohio to such a degree that its blighting effects will be felt for fifteen years to come.

ILLINOIS.

THE ROCK RIVER TRAGEDY. A letter from Judge Ford, dated Oregon city, Illinois, September 27th, to the editor of the Peoria Register, says—"the persons who had a hand in the last summer's murder trial were collected by the people, and will be withdrawn from the circuit court of Ogle county. One hundred and twenty persons were indicted and all acquitted by the jury."

ELECTION. The Journal of Commerce says: Owing to the negligence of some of the returning officers, the complete official vote of Illinois for congressmen, has been delayed to the present time. The official vote from all the counties is as follows:

Opposition.	Union.
1st.	8,043
2d.	6,976
3.	19,533
Total.	34,552

Opposition majority in the state 341; do the presidential election last November, 1,338. Whig gain 1,554.

ILLINOIS AND MICHIGAN CANAL. This work is being prosecuted with considerable vigor. New jobs have been taken and the old contractors generally have resumed operations. In the neighborhood of Ottawa in particular, we learn that the canal is going on fully. The new lettings are being covered with shanties and workmen. The basin at that town will soon be completed. The Fox river aqueduct is so far advanced that it could be easily finished this fall if so far could be favored with one month more of warm weather. [Chicago American.

TRIAL OF ONE HUNDRED AND TWELVE MEN FOR MURDER. The correspondent of the Illinois Free Trader gives an account of the trial of the persons charged with the murder of the Driskalls, John and William, from which the editor of the Era has made the following extracts:

He says "The September term of the Ogle circuit court has just closed, and its session has been marked by a trial which, in the number of the accused tried in one indictment for the crime of murder, is without a parallel. One hundred and twelve men were indicted for the murder of John Driskall and Vin. Driskall, in June last, near Washington Grove, in this county. About 100 plead not guilty, and were put upon their trial. Judge Ford, whatever might have been his feelings, (the accused were his neighbors, Judge F. living in Ogle county), exhibited upon the bench a stern determination that the accused should be fully and fairly tried. However, the very fact of the great confusion occasioned by so many

names in the indictment, left the accused without any evidence to contend against.

The two or three first witnesses, whose names were endorsed upon the indictment, (and by the laws of this state made, except those whose names are so endorsed, can be called to prove the substantive part of the accusation), only knew some of the preparatory steps taken, which led to the supposed offence."

The facts connected with the killing of the Driskalls are stated as follows: That the Driskalls were a part of an organized gang, endeavoring to increase the number of persons in the county of Ogle and the adjoining counties, who carried on a systematized scheme of operations against the lives and property of the inhabitants. That murders, robberies and larcenies had been carried on by them for a number of years; and that, owing to the extent and perfection of their combinations, it had become impossible to convict by the ordinary process of law. Perjured members of their gang swearing to alibis or such defence as were adapted for the occasion, had, for a long time, defied and defeated the course of justice. That a few days previous to the execution of the Driskalls, a Mr. Campbell, a citizen of the highest respectability, had been killed in his own yard, for his presumed exertions against this gang, and that there was sufficient evidence to leave no reasonable doubt, that the Driskalls planned and incited, and probably perpetrated his murder. Further, that the Driskalls were the chief and most dangerous of the gang. They had been the cause of the death of several hundred of the most respectable citizens of Ogle and the adjoining counties of the truth of the foregoing facts.

The case was submitted to the jury who, without leaving their seats, rendered a verdict not guilty. This verdict was given partially from a want of evidence, and therefore warranted the absolute necessity of the case. The writer says the laws could not protect the community where the banditti committed their many enormities—the occasion was too urgent to wait for their uncertain amendment and adoption to the emergency—individually they could not protect themselves—no law they resorted to—therefore they resorted to a counter organization, ordained new rules of evidence, and a new mode of proceeding, such, and such only, as in their judgment were effectual to protect them. There may be those who are disposed to cavil, perhaps to condemn. The judgments and precepts of such, would be essentially exaggerated, could they have dwelt for a short time here, and suffered the murder of their friends, the burning of their dwellings, and the plunder of their property; and, when they called on the law to redress these wrongs, to see those whom they knew to be the perpetrators, escape with impunity."

WISCONSIN.

MORE LEAD. The Southport (Wisconsin) Telegraph announces the discovery of new lead mines in the vicinity of Simunara Moreau, near the southern boundary of the territory. Concerning the quality and extent of the mine, the Telegraph says—"The veins of mineral are the richest of any which have been discovered for the last six years. About 600 miners are already employed in these new diggings, and immense quantities of ore are daily raised. General Dodge is about to come to this territory as one of the proprietors of the new discovery."

This mine, if it turns out as rich as is anticipated, will add much to the value of the lands in that vicinity.

ALEXANDER McLEOD'S TRIAL.

The opening of this case was inserted in the last number of the Register. Without attempting to furnish the testimony produced on behalf of the prosecution, we merely proceed to register the evidence upon which the decision of the case was manifestly predicated. This, with a brief notice of the summoning up by the counsel, and the charge of the judge on committing the case to the jury, will give a distinct view of the facts in the case.

There are some points of this affair which furnish satisfactory evidence in favor of our system of government, however complicated it appears to foreign eyes. The resolute determination which both the general and the state governments evinced in the progress of the case to have their respective jurisdictions maintained, the laws enforced, and justice administered to a foreigner, although that foreigner had taken pains to exasperate the border passions and inflame national prejudices on the one hand, and in

whose behalf language verging towards intimidation had been adventured to some extent by proud authorities on the other. But neither popular impulse, nor national pride, has been allowed to swerve our authorities from the strict course which the laws of the land lay down. The facts in the case have been coolly and deliberately sought out and pronounced upon by an impartial jury of the country. It has been fully ascertained that McLeod was not present or assisting in the transaction for which he is indicted, and he is acquitted accordingly.

So ends the McLeod affair.

The affair of the *COROLINE*, however, remains to be adjudged between the two countries, whose peace was violated by that transaction. The facts in that affair have, in the progress of this trial, been fully developed. The two governments will approach its discussion in a far more deliberate and dispassionate spirit, now that the case is divested of a highly exciting collateral topic. The negotiation of foreign disputes is wisely committed, by the federal constitution, to the EXECUTIVE, and it is sincerely to be hoped that not only the public press, but also, that other public authorities of this country will allow the executive the full enjoyment of its delicate and highly important trust, in this respect, without undue interference. There has been no greater difficulty encountered in our foreign relations, than by premature and imprudent interference in negotiations that have, from time to time, been pending. Amongst these instances stands most prominent the everlasting calls, which are proposed in congress, upon topics that are properly trusted to an executive department only—and which, the premature agitation of, by the legislative department, is calculated invariably to embarrass.

And again—the difficulties which the McLeod case appeared to present, in reference to conflicting jurisdiction between the federal and state governments will, of course, we presume, be obviated, as it certainly ought to be, before another such case occurs, and will be much more likely to be judiciously provided for, when no pending case is to be influenced by the direction which the authorities, on an abstract view of the subject, shall judge to be right.

FRIDAY AFTERNOON. After a number of objections being made by Mr. Hall, and which were partially overruled by the court, the reading of the deposition commenced, but were protracted very much by the technical objections of Mr. Hall. In substance the depositions are as follows:

Sir Allen McNab's evidence—the testimony of sir Allen McNab was taken at Kingston in Canada on the 13th September, 1841, before James E. Small and James Harvey, esqs. commissioners—Joseph Center, esq. being present and interpreting for the people. Information being given to the witnesses, he said I am a barrister; I reside at Dunawin in the Gore district, in the province of Canada, about 45 miles from the town of Niagara; I know a body of militia was assembled at Chippewa during December, 1837, and January, 1838, to the number of between two thousand and three hundred men, and that they were British rebels and American brigands assembled on Navy Island, and on the American shore near Schlosser; they were ordered out by the lieutenant governor of Upper Canada, sir Francis Bond Head, for the purpose aforesaid; I was the officer in actual command of the forces then and there assembled; sir E. B. Head was at Chippewa, except that during the months named, of the force assembled by his directions; I assumed the command by his order, directed to me as colonel of the 3d regiment of Gore militia; the governor general of the two provinces was not at Chippewa at the time mentioned.

I do remember the last time the steamboat *Caroline* came down previous to her destruction; from the information I received, I had every reason to believe that she came down for the express purpose of assisting the rebels and brigands on Navy Island with arms, men, ammunition, provisions, stores, &c. to ascertain this fact, I sent two officers with instructions to watch the movements of the boat, to note the cargo and report to me; they reported they saw her land a cumbered on, (a six or nine pounder) several men armed and

equipped as soldiers, and that she had dropped her anchor on the east side of Navy Island; on the information I had previously received from highly respectable persons in Buffalo, together with the report of these gentlemen, I determined to destroy her that night.

I entrusted the command of the expedition for the purposes aforesaid, to capt. A. Drew, royal navy; seven boats were equipped, and left the Canadian shore; do not recollect the number of men in each boat; Capt. Drew told the rank and file of the 3d regiment of the royal navy; I ordered the expedition and first communicated it to capt. Andrew Drew, on the beach, where the men embarked a short time previous to their embarkation; Captain Drew was ordered to take and destroy the *Caroline* wherever he found it; he gave the order as officer in command of the forces assembled for the purposes aforesaid; they embarked at the mouth of the Chippewa river; I was there when they embarked, and when the boats set off; I had been there about a quarter of an hour; I noticed most of the persons going into the boats; I stood within ten or twelve feet of most of the boats as the men went on board, and while they were preparing, I was walking about among them, which afforded me the means of knowing who embarked; I know Alexander McLeod, late deputy sheriff of the Niagara district; I have known him for about five or six years; I was on the shore with the boats when they landed, and was near some of the boats when they landed; I saw the lieutenant general of the men who landed, perhaps half of the whole; I did not see Alexander McLeod; I think I made a return to the lieutenant governor of Upper Canada of the officers and men of the *Caroline*; I am sure the name of Alexander McLeod was not among them.

I have no knowledge that there was any person of the name of McLeod in the expedition; if there had been a person of that name, I think I should have known it; the force under my command volunteered their services on being called on by the lieutenant governor of the province, from which force the expedition was composed by men selected by captain Andrew Drew, under my orders; they were dressed in their usual clothing; the militia were not at that time provided with uniform; the party were armed with pistols and cutlasses; I was the person who gave the orders to Capt. Drew, which were personal, verbal and put in writing; the orders were to take and destroy the *Caroline*; they were given to the captain and to the officers previous to the expedition starting off from the shore; in my orders to Capt. Drew nothing was said about invading the territory of the United States, but such was their nature that Captain Drew might feel himself justified in destroying the boat wherever he met it.

Mr. Spencer said that as the remainder of the depositions contained merely collateral evidence, he proposed to introduce at present the oral testimony.

William Press was then called to the stand, and being sworn, deposes that he lives in Canada; keeps a public house at Niagara; knew McLeod well; had known him a year before the destruction of the *Caroline*; remembered the "troubles" in Canada about the 27th of May; was at Chippewa only once; that was on the 27th of Dec.; returned to Niagara the same evening; took the passengers in a wagon from Niagara to Chippewa; entered in a cash book the money received for carrying these persons, the date was 29th Dec.; the money was delivered to him by a man, the name of that evening; put his gun and a box in a yard opposite Davis' tavern; started from Davis' immediately after dark; O'Keefe rode with witness to Niagara, and McLeod went to Stamford; the latter place is about six miles from Chippewa; the roads were very dark; were at least an hour and a half going to Stamford; McLeod left witness at the gate of Captain Morrison's.

John Morrison was next sworn, and deposed as follows—Resides at Stamford, U. C.; moved there from Toronto; came to Toronto in June, 1835; knows Alexander McLeod perfectly; made his acquaintance in '36; heard of the destruction of the *Caroline* on the morning of the 29th Dec. 1837; heard of it from Captain Cameron, formerly of the 3d regiment of the royal navy; was told by one of his sons that the colonel wanted him at the gate; went down and saw him there; was asked if he had heard the news, and said no; Col. C. then told him that a party had gone down to Schlosser the night before and cut out the *Caroline*; he replied he had not; witness said that "your friend McLeod is in the house, and I will give you a sample and see him"; he begged to be excused, as he was in a great hurry; Col. C. was in a wagon; he handed witness a piece of wood, saying it was a piece of the *Caroline*, which witness took to the house and cut from it a piece; kept the piece and returned the larger part to Captain Cameron, from whom it was got under the "Falls"; made the colonel good-by; from other sources then

learned during the day of the destruction of the *Caroline*; Colonel Cameron served with witness in France, Spain and Portugal under the great Duke of Wellington for 14 years; McLeod was in the cottage on the morning of the 29th Dec. 1837; the conversation took place; he came there nearly as usual, as a stranger, at a short time after 7 o'clock on the night before that morning; he slept in the parlor; he drank tea that evening with witness' family; took breakfast in the parlor next morning; McLeod and witness retired to bed in familiar conversation after taking a tumbler of toddy; McLeod had not left his horse; before witness saw Colonel Cameron next morning after returning the piece of wood to Cameron, witness went to the cottage; at the threshold of the door saw McLeod half dressed in the room; repeated to him the intelligence received from Cameron; McLeod said, "You don't say so?" Witness replied Colonel Cameron told me so.

By the court—When did he make that answer?

Just when I said Colonel Cameron had said the *Caroline* had been cut out and sent over the falls.

Examination continued—McLeod then said, "I wish to God—I had been there!" and McLeod continued, "I think, Mr. Archibald, I was not a horse!" which witness off to get the horse; there was a little part eight—he was pressed not to think of going before breakfast, and agreed to remain—he did remain—he then, after being dressed and having breakfast, went down with him and saw him get his horse and ride towards Chippewa—never saw McLeod till the afternoon of the 30th January 1838.

Archibald Morrison, son of the last witness, an intelligent looking lad, was then sworn and examined—he deposes that he knew McLeod—had seen colonel Duncan Cameron sometimes—he was in Toronto as witness believed—was at his father's gate when Colonel Cameron came up about eight o'clock in the morning; thought he would like to see him; to come to him, I went up to the house; a gentleman was with Colonel C. they were in a two horse wagon; my father went down, I went down with him; heard them say that the *Caroline* was burnt, heard Colonel C. say that; McLeod was then in the parlor of my father's house; he was there till about five, before tea I think—he went away about morning after breakfast, about eight o'clock; he went away on horseback.

Mr. Margaret Morrison was then examined: knows McLeod—has known him for six years—remembers hearing of the burning of the *Caroline*; it was in the morning of the 29th Dec. 1837; the intelligence was burnt the night before—the intelligence was brought by Colonel Cameron—understood that he brought a part of the boat—saw the piece that Mr. Morrison cut off—at the time McLeod was in the parlor—he came there the night before—about 7 o'clock—he was there till the night he stayed there all of the morning; he thought he would like to go away that night—Mr. Morrison and McLeod sat up till half past 12 o'clock—witness sat up, part of the time being in the room—McLeod and Mr. Morrison took a glass of toddy together—McLeod slept in the parlor; he slept on a "stretcher" (witness explained this as being a cot), the parlor was not commonly used as a bedroom—Mr. McLeod's boots were taken from the parlour before bed time to be dried by the kitchen fire—they were at the same place in the morning—they were then dry, but were wet the night before—Mr. McLeod did not leave the place during the night to the knowledge of witness—could not have seen him; did not see him till the morning after breakfast.

By the court—Saw McLeod for the last time that night about twelve o'clock; the "stretcher" was made up before the young ladies retired, the young ladies retired about ten o'clock; saw McLeod next morning about eight o'clock; had then been up about half an hour; he was in the parlour when told McLeod was gone; did not see him till the morning after breakfast; what had happened about the *Caroline*, and McLeod wished he had been there; saw McLeod again in the afternoon of the same day; when he returned from Chippewa, on his way to Niagara; he had a cannon ball in his hand, which was said to have been fired from Navy Island.

By Mr. Spencer—Was married to Mr. Morrison 13 years; and she remained about three days after he came from Toronto; can tell certainly that it was on the 23d of January that McLeod was again at Mr. Morrison's house; there is no room for mistake as of his being there on the night the 23rd Dec.—the night that the *Caroline* was destroyed; the burning of the *Caroline* was talked about at the breakfast table that morning as an event that had occurred during the previous night. The daughter who lived with McLeod had not been at her father's for a long time till about a month ago, this circumstance had affected the intimacy of the family with McLeod; it had broken it off altogether; does not know why she has returned.

forced by the mandate of the law to appear and testify.

The witness very properly received sympathy from a jury. To that we do not object, and when witnesses seemed to be treated with kindness, with asperity, even with insult, it is very natural that the sympathies of the jury should be excited in their behalf, and that the prejudices of the jury should be roused against the counsel who thus roughly handle them, and transcend the limits of their duty. If any such sentiments, gentlemen, have been originated in your minds, if you will find them, we will satisfy you in the extraordinary case in which he has been engaged and which is submitted to your consideration, and that you will have less sympathy for the witnesses who have come here to swear away the prisoner's life than you would have for witnesses in other circumstances and on a different occasion.

It is natural, gentlemen, too, that the counsel for the prosecution should indulge in a firm belief on the one hand of the truth of his own case and the reverse of ours. But I, on the other hand, may as properly and reasonably entertain a disbelief of the case of my own adversary. Both cases cannot be true; both cannot stand. To the grapple here for mastery, one or the other is to be overthrown, and your verdict is to declare who is to fall and who is to stand triumphant, which is to be overthrown and who is to remain firm as the rock of ages—as truth itself. That's the point. And it is natural I should feel warmly, and as I believe our case to be the truth, and the case for the prosecution to be not only untrue, (which implies only mistake or misapprehension), but I am sorry to say, utterly false. And I desire, you gentlemen of the jury, to understand that word in its legitimate and strongest application.

And to say that the prosecution has been sought to be upheld by a combination of the rankest perjury ever brought into a court of justice since the sun shone in Christendom; in a case, too, involving not only the life of an individual, but interests of the great nations in two hemispheres that hold the highest rank in the map of the world, two nations bound in the closest ties, inhabited by races speaking the same language—one common people, kith and kin; I do not shrink from saying that the sole object of this prosecution has been to involve these countries in a bloody war, and believing that, I confess I have felt but little charity for the witnesses who have sustained it, and no more than a doubtful respect manifested as an awkwardness as I felt. This, gentlemen of the jury, is my apology.

The learned gentlemen then referred to the decision of the supreme court, which had excluded the question arising out of the principles of international law as applicable to the defense of the prisoner. By that decision, the learned judge who now presided over the deliberations had declared himself to be bound.

Of this decision, Mr. Spencer did not complain, nor was it expected by him. He was well acquainted with his honor, and with the uniform defence with which he had all times regarded the decisions of the supreme court.

But though thus deprived of this ground of defence, they were not without defence on another ground. In the correctness of the decision of the supreme court, he had no belief; and as a member of the bar, and an American citizen, he felt it his duty to be contrary to the laws of nations, and to the laws of reason; and he regretted it had ever been put forth as the opinion of the supreme court of this state, on affairs growing out of the intercourse of nations.

To that opinion, however, he should, for the purposes of this trial, pay all due deference and respect. Should the result of this trial, however, result in a conviction, he should be no other tribune, as he uniformly does elsewhere, strongly and decidedly opposed that opinion, and have it renewed, and, he doubted not, reversed.

Mr. Spencer then passed to the other branch of the defence—the proof as to the participation of McLeod in the Caroline expedition. He began, of course, from it. Before entering upon a review of that proof, Mr. Spencer adverted to the fact that as long ago as an entire year, the whole testimony for the defence was within the knowledge of the prosecuting counsel and the world; while with him and his learned associates, all was darkness and obscurity, and they were brought to be brought to uphold the prosecution, or who were to be the witnesses; which witnesses had long enjoyed the advantage of communication with each other, and with the prosecuting counsel.

And he moreover believed that these witnesses had been brought together in committee rooms, and then canvassing their own testimony and the testimony and disposition to be brought before the court

and jury in support of the defence. In these proceedings, however, Mr. Spencer did not believe the attorney general, or either of the learned gentlemen associated with him had any participation. But if any part of his conduct, or his voice supposed that the learned counsel who appeared here on the part of the prosecution, constituted all the legal gentlemen who had applied their talents and energies to the preparation and support of this prosecution, he would tell him he was woefully mistaken.

Able as these gentlemen appeared, before this court, he constituted but a corporal's guard to the whole array that has been engaged in this labor—the object of which array was not for furtherance of justice as between McLeod and the people, or the taking of the life of McLeod individually, as to the fomentation of disturbances; and the promotion of a war between this country and Great Britain. If proof was wanted of the existence of this legal combination it could be proved abundantly in the number of witnesses that had been brought forward to swear away the life of McLeod, who had sprung up like flies, from where nobody knew, or how collected, nobody could say.

Time and again had this charge been examined by magistrates at the west, and amongst the whole array of thirty witnesses for the prosecution, scarce any of them appeared originally as witnesses against McLeod at those examinations. These facts alone, did no others exist, sufficiently indicated the extent of the combination that had been brought to bear in support of this prosecution—aided by secret societies and combinations with contributions of money, personal services, food, raiment and other necessities that could be found required.

Most if not all the witnesses for the prosecution belonged to these societies, and deserved no credit to the estimation of any intelligent jury or of any reasonable man.

Mr. Spencer then proceeded to a review of the testimony, passing over, at a glance, those who testified only as to the particulars of the destruction of the Caroline. These witnesses, Mr. Spencer contended, were of no interest, at heart for the success of this prosecution; and he dwelt with great severity upon the reluctance with which the witness Wells was compelled, on his cross examination, to admit facts which he assiduously sought to conceal. But even the testimony of these witnesses, and of Mr. Wells in particular, Mr. Spencer contended was not entitled to any credit.

Mr. Spencer then proceeded to examine the testimony intended to connect the prisoner with the murder of Durfee; and he passed in scrutinizing review, and with most ingenious and able criticism, these witnesses and their testimony in the order in which they were called by the attorney general. The whole mass of their testimony, in all its material points, the learned gentleman pronounced, and endeavored to convince the jury, was a continuous detail of perjury upon perjury—interspersed only with an occasional truth, few and far between, to give their falsehoods credence with the jury.

In reference to that part of the testimony of the witness, Parke, relative to the boastful assertions of McLeod as to the fatal agency he had in the burning of the Caroline and the murder of Durfee, Mr. Spencer attributed all the knowledge or belief of Parke, as to such boasts, to what he had read in the newspapers, and to the influence of his own vanity, and to the machinations known to his own personal knowledge.

As to those boastful assertions, Mr. Spencer declared, on the authority of McLeod, had never been made by the prisoner; and the publications of such declarations had at all times been a matter of perfect surprise to McLeod. As the counsel of the prisoner, Mr. Spencer declared, he was obliged to order him, not to reply to and refute those publications while a prisoner awaiting trial; but to leave its refutation to the developments of the trial.

Mr. Spencer was still proceeding with his examination of the testimony, which the court adjourned to dinner.

Second Address.—P. M. The court room, on the reassembling, was densely thronged with spectators, nearly half of whom were ladies, who presented a splendid array of "youth, beauty and fashion," and who paid great attention to the display of eloquence, the anticipation of which had attracted them to the court room. After a few preliminary remarks, Mr. Spencer commenced his criticism upon the testimony of the witnesses for the prosecution, with whom and with which he dealt with the most unsparing severity.

In the course of his remarks upon the character of the witnesses and their testimony, Mr. Spencer introduced a withering rebuke of the "insurgents" and "rebels" who were engaged in the cause of the slave—some of which he directed particularly to certain participants in those troubles here present, and with-

in the scope of his sight—to (to wit) Mr. McKenzie, Dr. Theller and Gen. Sutherland.)

After expressing his full confidence in the jury, and his satisfaction that to the central point of the grand jury, he would have the honor of freeing an innocent man from the fangs of an iniquitous conspiracy, and complimenting his colleagues, the learned gentleman proceeded to comment on the evidence for the defence.

He contended that he had amply demonstrated by the evidence that McLeod was not, and secondly where he was on that eventful night. The result which he arrived at, and which, as he deemed, the jury must inevitably arrive at, was that all the testimony which went to show that McLeod was either in the expedition against the Caroline or at Chippewa on that night, was not only false, but willfully false; and that the testimony which proved that McLeod was on that night miles from Chippewa, and at the house of Captain Morrison, was the only testimony to that point that was true testimony—the only testimony entitled to the credence of the jury, and upon which they were bound to find a verdict of acquittal.

Mr. Spencer then proceeded to address the grand jury the prosecution. He would, he said attempt to go over the whole ground travelled over by the learned counsel for the defence; for he had yet to learn that imaginary facts and fictitious circumstances, instead of the true state of a case, as presented by the facts laid down before a jury in the shape of testimony, were grounds upon which to base an acquittal or a conviction were to be the criterion of judgment for a jury. Indeed, so far had his learned opponent travelled out of the case, as it stood before the court and jury, that for his part he should have thought the learned gentleman had supposed he had been talking to people in England instead of people of America.

With this preface, Mr. Jenkins introduced the character, extent, &c. of the border troubles which preceded the tragical events which gave rise to this prosecution. And here he would remark, in vindication of the character of the people of the United States, that he had been assailed here and elsewhere, by reason of the part taken by comparatively but a handful of her citizens in these troubles, that is a matter as much to the honor of the American public as it is strange in fact, that out of a population of some seventeen millions, only two or three hundred could be found to embark in an enterprise surrounded by so many and so many appeals to the sympathies of the human heart.

Of the facts and circumstances immediately preceding and leading to the running of the Caroline to Navy Island and Schlosser, her almost immediate destruction, and of the probable participation of the prisoner in the event, Mr. Jenkins presented a brief but graphic recapitulation; and then passed to a review of the testimony that has been adduced on both sides, in relation to the alleged participation of the prisoner in that tragedy. The general and wholesale aspersions cast by the learned gentleman who last spoke on the part of the prisoner, upon the able array of witnesses, for the prosecution, was unworthy of reply; but so far as he sought to destroy their testimony by argument and the contradictions elicited from the prisoner's witnesses, he deemed it his duty to meet by such argument as was within the scope of his humble abilities, and such evidence as the witnesses for the prosecution had placed within his reach.

The learned gentleman also alluded to the assertions of Mr. Spencer relative to the number and desperate character of those whom, as he alleged, had taken a deep interest in fishing up testimony to sustain the prosecution, and collecting witnesses to sustain the same. He said, however, and admitting all his learned opponent had said was true—which was not—he contended that, as compared with those who, with the prisoner, were engaged in the Caroline expedition, and, since then, with their colleagues and kindred spirits, in unremitted, reckless and unrelenting efforts to bring about the assassination and crucifixion of the prisoner at the bar—from the hands of justice—in such a comparison, the learned gentleman asked, on which side desperation and recklessness to truth would stand out the most glaring and unquestionable.

Mr. Jenkins was interrupted at the close of this branch of his arguments by an adjournment of the court.

Second Address.—At which hour the court reassembled, and a dense audience collected—of whom, notwithstanding a severe rain had set in, a large share were ladies.

Order being obtained, Mr. Jenkins proceeded with his argument, in the course of which he severely and modestly rebuked the learned counsel for his argument by his learned opponent, (Mr. Spencer) for the intimidation of the jury, that a verdict of guilty, from

them, would certainly involve the country in a sanguinary war with Great Britain.

That insinuation, and the intimidation it was meant to produce, the learned speaker assured the jury it was their duty—a duty rendered incumbent upon them by their oath as jurors, by their honors as American citizens, and by their natural pride and sense of national justice—to throw to the winds; and to be governed, in the finding of their verdict, by no extraneous considerations, and be influenced by no consideration not expressed in the oath they had taken—to render a verdict in accordance with the testimony, and influenced by the testimony alone. Their duty owed to their country—they had sworn to their country to perform it—and to their country they must leave the consequences, be they what they may.

From these remarks, Mr. Jenkins passed on to the consideration of the testimony adduced in behalf of the prisoner—pointing out its discrepancies, and arguing upon what he deemed its contradictory portions, its incongruities, and its fallacies. From the restrictions which are placed upon the mode of taking testimony by commission, he showed that, upon the record, there is no ground for taking the documentary evidence in Canada; produced upon this trial, that the prosecution labored under great disadvantage, and that, from the necessary formation of the interrogatories here, it was within the power of the witness to withhold much, very much, of the important matter that a personal examination on the witness stand in court would compel to disclose.

THURSDAY, OCT. 12, 1841, (2 o'clock). As it was known that Judge Gridley would charge the jury this afternoon, the court house was crowded with anxious auditors, a large proportion of them being ladies, who presented an ample display of beauty and intelligence, many of them being fair enough to excite one sigh with every regard; and it was probable we would never again look on their lovely faces.

At a few minutes after two o'clock Judge Gridley rose and delivered the following

CHARGE.

Gentlemen of the jury:

On your fatigue at your leaving at length arrived at the present stage of this long protracted trial. After your patience having been drawn upon for six days in listening to the trial, and a day and a half in hearing the arguments of counsel, you have at last arrived at that period where you are called on to discharge the last and deeply solemn duty which devolves upon you. I refer to the duty of pronouncing a verdict. I have instances under which you approach the performance of this duty.

We know, it is true, that a deep and fervid interest is felt in this case throughout the entire land; and we also aware that a portion of the public press has from the commencement of this controversy teemed with inflammatory and passionate articles. We have likewise heard of popular convulsions in various parts of the country where the indictment against the prisoner was found. Still, though these disturbing influences may prevail elsewhere, we can at least say that they have not entered the solemn temple of justice. If we have seen any popular feeling here, we saw it only in other quarters, they have not reached the portals of this building, consecrated as it is to the faithful administration of that justice to which the people and the prisoner alike appeal.

During the proceedings here, it may also be remembered, gentlemen, and auditors in the persons of loyal subjects of Great Britain, have been present, since were in arms in defence of their soil, and, on the other hand, we had the presence of more than one distinguished actor in the scenes of blood and suffering connected with the recent abortive attempt at revolution in the Canadian provinces; yet these individuals, who have been so long and so prominently, must have been deeply interested auditors and spectators of what has occurred, not a single murmur has been heard—not a single ebullition of excited feeling has escaped.

All has been quietness and good order, and a signal proof that here is a place where justice can be purely administered, and that here, in the absence of all other influences, the decision of an upright, intelligent, and honest jury will be acknowledged sovereign and supreme. It is under these auspicious circumstances that I invite you, gentlemen, to the questions connected with this great and important case.

Now, gentlemen, the additional passing remark and it is this: in order to appreciate properly the questions on which you are to pronounce your judgment, it will be necessary that you should keep your minds entirely unembarrassed by the consideration of other matters which have in reality nothing whatever to do with the case.

The counsel on one side and the other, as it was their duty and right, have presented such arguments and discussed such topics as they deemed likely to

serve the interests of the parties whom they represent. But the tribunal which tries has also duties to perform, altogether different from those incumbent on the advocates intrusted with the interests of those who are placed at its bar. The case of this prisoner, gentlemen, I may simply say, is to be tried like that of any other person indicted for the same offence.

The first question is, has any murder been committed? and the second question is—is prisoner at the bar guilty of that murder?

On the first question, gentlemen, the supreme court of this state, as you have already learned, during the past session, has passed upon the question of a binding on you and me. We are sitting here to dispense justice in the circuit court, and must be governed by the decision of that superior tribunal, which has sent down this issue to be tried here. That then is no longer an open question, but an adjudicated one, and with it you have no concern.

The circumstances out of which this indictment originates are briefly these: In December, 1837, a body of Canadian refugees and American citizens occupied Navy Island—fortified themselves there, and opened a cannonade upon the Canadian main shore, where some 3,000 men were assembled to suppress the rebellion. It was the intention of the occupants of Navy Island by certain individuals in Buffalo, and one William Wells, the owner of the steamboat Caroline, for the purpose of promoting his own interests, as he swears before you, had the steamboat cut out from the ice where it lay in Buffalo Creek, and on the morning of the 30th of December, the fatal—that boat made her first trip from Buffalo to Schlosser, touching at Navy Island; and that after that, on the same day, she made two trips to Navy Island from Schlosser—that it was instrumental in carrying armed men—arms—provisions—and one piece of artillery to Navy Island.

Earlier than this it does not appear that the Caroline was instrumental in promoting the interests of the occupants of Navy Island. Now the colonial authorities in Canada saw fit to regard this boat as a portion of the armament of the insurgents, and resolved to destroy her. Sir Allan McNab, the commander of the military forces, and a number of volunteers to embark in boats, of which five reached the Caroline, and from thence she was reached, whilst her peaceful occupants were asleep in her berths, and with cutlasses, boarding pikes and fire arms, the attacking party chased the persons on board, wounding some of them, and the others others experienced the same fate we know not, and then having captured the boat, the attacking party sent her over the Falls.

This is a brief history of the transaction so far as it is necessary for you to consider it for the purpose of understanding and disposing of this case. The acts I have described are held by the prisoner's counsel to be necessary and proper for the defence of the prisoner for the reason, first, because these acts were authorized, and secondly, because done in self defence, and again, because the whole transaction has already become the subject of negotiation between the two governments, so as to deprive the court of jurisdiction over the offence.

These arguments have been laid before the supreme court of this state, after great research and deliberation, and after a full and free discussion of the case, consideration, pronounced that this act of the killing of Durfee, although performed in the prosecution of an enterprise like that I have already described, was murder, and it follows then, gentlemen, that all who were engaged in it are guilty of the same offence. It is necessary that you should know that the prisoner has been indicted for the offence that the boat should have struck the fatal blow, to render him guilty. Enough that he was engaged with others in that enterprise. This question then is to be excluded from your consideration. It has, it is true, been dwelt on by counsel on both sides in their opening addresses, and during the progress of the trial. I refer to it however to inform you that it has been already adjudicated on and is set at rest.

Then comes the question, the important question, on which you are to pass—is Alexander McLeod guilty of that murder? The counsel for the people have presented many witnesses before you, the testimony of which you have heard, and I have shown that the prisoner is guilty, and in order, gentlemen, that you may understand and appreciate this testimony, I shall briefly place it reviewed before you. I shall divide it into two classes—the first branch embracing the direct and circumstantial evidence, other than that arising from confessions connecting the prisoner with the crime; the second class of evidence will consist entirely of confessions.

The first witness, gentlemen, who has testified before you is Gilman Appleby. He is the only witness who was on board of the boat at the time of the attack. He was the captain of the boat—he was the prisoner's cabin-boy—he was a Scotchman, a little before midnight, as he thinks by information that there were boats approaching—he arose and par-

tially dressed, made his way up the stairs till he found his further progress arrested—he returned, but again returned, and had opened the door about a foot when it was violently pushed open by some one outside, who then made a plunge at him with a sword, which glanced along two of the vest buttons and struck against the button of his pantaloons.

He was considerably excited, but in that momentary glance he saw the features of the man thus attacking him, and his impression then was that the individual was Alexander McLeod; but with all commendable prudence and caution—for which I honor him—that witness says that and the agitation of that momentary glimpse of his pantaloons, he passed in the twinkling of an eye, he cannot say that it was McLeod. He had once before seen the prisoner in Buffalo, and it struck him at the time that his appearance was similar to the individual who thrust at him, but it was only one hurried glance, and he immediately replied to the question of counsel, when on the stand here, that he could not say that it was Alexander McLeod.

The next witness is Samuel Brown. He resided at Chippewa, and was engaged in tending bar for one Smith who kept a tavern there, and he says he went on the morning of the 30th of December, to a place called the "Cut," and up the Niagara river—that he was at the entrance of this "cut" that he was at the beacon-light—saw the boats passing into the "Cut"—and then he thinks he recognised McLeod among the party embarking in the boats—it was dark—but the witness does not profess the certainty of his belief that he then and there saw the prisoner. He says he went from there to Davis's tavern, where a portion of these persons came, and there by a light which shone from within the bar-room—or by a light out on the stoop, although he cannot remember any light hanging out there—he professes to have seen them again Alexander McLeod.

He then says that the next morning, gentlemen, between daylight and sunrise, he heard some of the men in the tavern talking of McLeod being wounded, and was over on the opposite stoop—the witness looked across, he said, and then thought he again recognised McLeod, and he says he went over to see whether McLeod was wounded—he saw no one there, but he then saw the prisoner, and did not see him. He was then inquired of in relation to the degree of certainty with which he could say that the man whom he saw was McLeod—and he said in reply that "he saw a man whom he called McLeod." Another question was put to him, and he said "I mean to say, I am sure that it was McLeod, as that he now sits before me."

That is, gentlemen, his testimony. He submitted to a long cross-examination; and how far it went to shake your confidence in his statements, it is your province, gentlemen, to decide. There is, however, one consideration which will submit to you. It is this, that witness who are to judge of the credit to be attached to the testimony of a witness, it is right and proper that you should observe his manner on the stand; the degree of intelligence which he exhibits; the amount of powers of observation and accuracy of recollection; and having done so, you are to decide whether his answers satisfy you, and if they do, and on the whole whether his statements are of such a character, when taken all in all, that you can rely upon them; and if not sufficient to satisfy you altogether, you must decide in how far you should allow, what degree of credence you must repose in his testimony, and that you will bestow on it, and no more.

It is argued by the prisoner's counsel that the degree of darkness which prevailed then, and is testified to was such as made it exceedingly rash for this witness to pronounce so confidently that he was able to recognise McLeod as well there as here to day. It is also argued that he stands before you, impeded as to his character for truth and veracity. And to sustain this impeachment a witness has been called and has appeared before you and testified that he lives near the residence of this witness, and he says that he heard him speaking on this subject, I think at some former period, when some person, and among other things he said he knew nothing at all relative to this matter that could do McLeod any harm or any good.

The statement which he makes of what he said is somewhat qualified. It is remarked on the other hand that witnesses who are subpoenaed frequently make careless observations, and that it is better to hear them, might wish to avoid attendance on this trial.—This is a very true fact that persons often make careless remarks, and had Drown made such a statement in presence of any one who could have excused him from attending here, then the plea of counsel would have been entitled to greater regard.

If in truth the facts which he has here stated were remembered by him at that time, then they were all

facts material, and he could not have said, consistent with truth, that he knew nothing of sufficient importance to harm or benefit the prisoner. This gentleman, is the extent of that individual's testimony. You are to take it into your consideration, and are to exercise your judgment in reference to the effect it may have in detracting from your confidence in the evidence of Drown. I may add that, in order to restore your confidence in Drown, Bates was questioned, and in reply stated that that individual's character for veracity had latterly improved; that formerly he had been an intemperate man; but he was now reformed.

The next witness, gentlemen, is Isaac P. Carson—he is a native of this state, a competent trader, and he is a Chippewa of this nation in his business; he testifies that he was at Mackin's store on the afternoon of the 29th of December, 1837; that he there saw Megin, Usher, and the prisoner passing out of Davis'; that he also saw him next morning at sunrise with others, on the "barge"; that he was a party to the statements that he could see only his head and shoulders; that he was telling of his exploits, and saying that he had killed a d—d Yankee; that he saw him again two or three days afterwards; that he then said he would like to be on another such expedition, and turn Buffalo.

This is an analysis of this witness' testimony, which will spread over several pages of our paper. You will observe, gentlemen, this witness' testimony, on his cross-examination, and will judge how far that weakened the force of the statements made by him on his niter examination. There is one point, however, that demands, your particular attention. This witness was inquired of as to who else were present when he and McLeod dourning and burning the boat, and he killed a Yankee. At first, the witness could not recollect any one; at last, he said he could name one Caswell.

He was then asked whether he was present at this trial, and he said yes. He was then asked when it first occurred to him that he saw Caswell there that morning, and he confessed that it was that very morning. The cross-examination was protracted, and in the course of it, it came out that he had conversed with Caswell as late as the morning of the day on which he testified on the stand before you; that they talked of the affair of the Caroline, and that Caswell informed him that he was there that morning. It may be that that was all true, and that it really did occur to him that Caswell was there, till the moment the question was put to him. But there you are judge of that.

The next witness is Charles Parkes, barkeeper at Davis' tavern. He testifies that the prisoner went to bed at Davis' tavern early in the day, and got up between 8 and 9 o'clock in the evening; that a gentleman called for him, and was not at home; that he had an hour or three quarters of an hour afterwards he saw him between Davis' and the Chippewa creek—that a good many people were on the road—that McLeod went into one of the boats—that at about sunrise the next morning he saw him at Davis'; that he again saw him a few days afterwards in the officers' mess at Fort Snelling, and that he said that he had killed a d—d Yankee—or something to that effect.

At the close of his examination this witness was asked whether he could say with considerable certainty that he saw McLeod at the "cut," and he said he could—he was asked further and he said he had no doubt of it—he also states that it was pretty dark that night—and that the money was paid to McLeod—but although he went as a witness, he cannot recollect the amount of the money paid on the occasion.

It is also argued that this witness tells a very extraordinary story in relation to the manner in which he has been induced to appear here—that he started from home to make himself useful, and that he was called by some one who accused him on the way with the design of arresting him to ensure his attendance as a witness on this trial—that he returned home—again set out, and was arrested in Buffalo before he had time to transact any business—that further, he was ignorant of the laws of this state, and was frightened by the alleged representations of Mr. Hawley that he (Mr. H.) had power to enforce his attendance here, that he consented to come.

All this may or may not be the truth. This witness also testifies that he was solicited to come here by

persons religiously opposed to bearing arms. Now, gentlemen, I have no opinion to express on these matters. You are the sole judges of this testimony, and with you I leave it.

The next witness is Caswell—he whom Carson spoke of, and he testifies in substance that he also saw McLeod that morning at Davis' tavern. Then comes Quimby—he is the witness from Pennsylvania—he testifies that he resided some two miles from Chippewa; that he was there on the 29th with a load of hay, which he sold to the government; that he did not get paid for it at the time of the sale; that he remained till evening; and in the course of the evening saw the prisoner at Davis' tavern; that he then went home from 9 till the next morning, when he started for home; stopped at Petu's about a mile off all night; that he then turned back and was again in Chippewa between daylight and sunrise; that he went back to get payment for his hay at the commissary's office; that he was going there when he saw McLeod: that he then went to the "cut" and saw him; that he heard him boast of his exploits on the Caroline, and heard him declare that there was the blood of a Yankee on his sleeve.

He is questioned then as to whether he expected to receive payment for his hay at that early hour, and whether there were any persons on the office, and he said there was not; that he did not get paid in good season; but did not after all get paid, and finally went home.

But, gentlemen, it seems according to the testimony of Mr. Lott, of Lottsville, Pennsylvania, that on one occasion this Quimby came with another person for the purpose of making an affidavit before Mr. Lott, who is a magistrate, and that that gentleman was not that he was a magistrate, and that Quimby was unworthy of credit; that he went to another magistrate by whom the affidavit was taken and sent on.

Lott says that he resides in Lottsville—that the reputation of the witness Quimby, while resident there, was very bad; that he was not to be believed on oath; and that in informing the prisoner's counsel of his character, he (Mr. Lott) was not at all motivated by revenge or malice to gratify. Now it is said, and it is true, that ordinarily a witness, to invalidate the testimony of another, should be called from the neighborhood. But you are the arbiters of this question, and in your hands I leave it.

Justice P. Stephens is then called and sworn. He testifies that he was present on the night in question, and that he saw three boats go out and return, and he distinctly and positively swears that he saw McLeod disembark at the beacon-light.

That is a statement which is not corroborated by other witnesses, and is on the contrary hostile to the statements of all the other witnesses on both sides. And that he was discredited from the stand without cross-examination. He has testified to a deliberate falsehood—a falsehood for which the palpitating plea of the probability of a mistake cannot be offered.

Leonard Anson is the next witness. He swears that he saw McLeod at the bar in Davis' tavern; that there were others there who took part in the expedition, and that he saw the prisoner, and that he committed the greatest crime; that there he saw McLeod draw out his pistol and declare that he had killed a d—d Yankee, and that he pointed out the blood on the stock of the pistol.

This, it is contended on the part of the prisoner is an improbable story—that he could not have seen McLeod at the bar, and that the other witnesses who have been submitted to you in relation to the testimony of this individual which it is unnecessary for me to dwell upon now. You are the judges of their weight and the attention which should be given them.

These are I believe the only witnesses belonging to the first class of evidence against the prisoner. They are the only witnesses who testify from their own knowledge as to facts unaltered with confessions, which go to connect McLeod with this enterprise.

And the prisoner's counsel contends that some of these witnesses have been impeached, and that others have appeared in very doubtful circumstances; that the darkness of the night was a good reason why no other witnesses could be called; that the prisoner's arguments of these testifying so positively that they recognized McLeod with such certainty, and that that they have thus proved is enough to throw some shade of suspicion on the whole. That is the view taken of it by the prisoner's counsel.

Whilst on the other hand the counsel for the prosecution insist that it is a mass of testimony which you must believe, and which believing you cannot doubt the fact of the prisoner's guilt. It is your province to criticise all this and pass upon it.

The other branch of the evidence is that contained in the confessions of the prisoner; and there is a principle involved in the description of this evidence, to which the counsel of the prisoner has directed your attention; that confessions are in themselves the most suspicious kind of evidence—easily fabricated—and difficult to be disproved—liable to be mistaken—partially heard—partially remembered—and, unless corroborated by other testimony, the rule of law is that they are not to be taken into account. All the most distinguished jurists, is, that they are the most unsafe description of testimony.

Nevertheless, they are competent to be weighed, judged of, and passed upon like all the other evidence in the case. I therefore, gentlemen, call your attention to the evidence.

Henry Myers: and would admonish you that one rule by which you are to test the declaration of witnesses is, that you are to see whether they are probable—like what men in like circumstances would do.

The last is that on one occasion whilst he passed Niagara Falls he stopped at a tavern and saw McLeod, with a number of others—that McLeod was accosted by name by another of the party—that he boasted that he had killed one d—d Yankee, or rebel—and that he compelled the witness to "treat" the party.

You will judge of the credibility of this witness' story; but there is one thing he said which has not been noticed by any of the counsel, and what may aid you in passing judgment on his evidence—he said that he marked the features of McLeod well, as he determined to use him in a similar manner if ever he got him on his side of the frontier.

The next witness is Calvin Wilson. He is the keeper of a ferry at Youngstown, in Canada, and he says, that a few days after the destruction of the Caroline he went over to Canada—went into a house where was a person by the name of Rayneock, McLeod, and others whom he named, who had been actors in this expedition, and that McLeod said one of the rebels got shot on the wharf.

This witness has been cross-examined at last, and confessed that though a poor man with a family, he had given two hundred dollars to the "patriot" cause, and declined answering whether or not he had harbored the notorious Lett. To rebuke this testimony, a respectable inhabitant of the town of Niagara, named Hamilton, was produced and testified that he well knew Rayneock, and that that individual was absent in England, at the time specified by Wilson.

The next witness worthy of notice is Timothy Whelan. He was a Canadian, a messenger after prison, and the attorney general, supposing that there had been a reservation in favor of this witness. He deposes that about a year before he had gone from Whitley, Canada, where he lived, to Niagara—was near the ferry—saw McLeod coming up from the water side—and the witness remarked to him that the time had come when he had time to talk of the Navy Islanders, and about their number—that McLeod said they never would have the Caroline there again, and added that he was the second or third man who boarded her, and then some person, a stranger to Whelan, interrupted the conversation by taking McLeod off—that he, the witness, turned from the ferry, reflecting he had not a pass, and went back to the town.

Gentlemen, you are carefully to examine this evidence, and decide according to your conscientious conviction of the truth, as it really is. If you believe this evidence, notwithstanding some objections to it, and notwithstanding some deductions which are to be made—if you believe that it does, after the deductions which are to be made, it is sufficient to call up the prisoner to answer, then you are to take into consideration the defence opened before you. And it is undeniable that, in looking at this mass of evidence, there is much that appears questionable, and much of it remains that is not powerfully attacked. And other words, that have no part or lot, no sort of participation in this enterprise; this, after the disposal of the first question already passed upon, is the only other ground of defence that exists. And in my judgment no degree of suspicion should attach to it as an original defence, because it is, as I just said,

ceed, flushed with victory, they will elate themselves with savage ferocity, and will trample on the rights of the weak, and even for a moment trample on the rights of the strong. And then will fall most assuredly the strong pillars that now support and protect public virtue and freedom. I fervently pray that our happy country may not be visited by so direful a calamity.

The resolutions were unanimously adopted. The convention was then further and ably addressed by Mr. Clark, of Jefferson, and Mr. Reynolds, of New York, the latter gentleman paying a handsome tribute to the public press.

Mr. Filmore, of Erie, was called for, and nobly responded to the call, holding fast the convention and audience for some time by an outpouring of eloquent passion.

Hon. N. P. Tallmadge was loudly called for, but had a few moments previously left the house.

A vote of thanks was then offered by a gentleman of the New York delegation to the president and officers of the convention, which was unanimously made by Mr. Patterson, and the convention adjourned sine die.

ADDRESS

Of the Syracuse Whig State Convention.

The delegates to the whig state convention, assembled at Syracuse, this 7th day of October, 1841, for the purpose of electing a candidate for the office of governor, and in the name of those whom they represent, do make and publish the following

DECLARATION:

The whig party, now the dominant party in this country, was formed and consolidated in opposition where its distinctive principles, doctrines and policy were clearly proclaimed, and manifested themselves in the whigs, while in opposition, to propose specific measures. They opposed the prominent measures and policy of the administration then conducting our public affairs, for reasons plainly stated and urged upon the country; and in the statement of their reasons and policy, which manifested themselves in the whigs, were disclosed, in the most explicit manner, the general principles and policy on which the measures of the government would be taken, and its affairs conducted, if its administration should be confined to their hands.

The cardinal doctrines of the whigs, broadly stamped on the course of our political history during a ceaseless struggle running through a series of years, ending with the overthrow of their adversaries in 1840—doctrines read and understood of all men—may be briefly stated as follows:

That the government should be administered for the benefit of the whole people, and not for the benefit of a few; that the authority, and not the power, should be the basis of government; that a rigid economy observed, and a strict accountability enforced in all expenditures, which should be strictly confined to objects of high public utility and importance.

That the constitution is the charter and warrant for the exercise of the civil power and authority, and that to recede from neither a strict nor a liberal, but a common sense construction, and where doubts and disputes arise, they are to be finally resolved and settled—a proper case being made—by the judgment of the supreme court of the United States; and that, as no power can be employed which is not conferred, so no power which is conferred can be employed, and that the exercise is essential to the preservation of the government, or to the public prosperity. That the great danger to our system lies in the tendency, which has been given to it, in its practical operation for some years past, to an excess of power in executive hands, as well by an assumption of authority, as by the exercise of power; and that the great danger to the action of the administrative functions of the government had been so corrupting both to the government and the people, that the virtue which is indispensable to a republican system was fast yielding to dispositions which are favorable to despotism.

That as the president is commander-in-chief of all the military forces, it is highly dangerous and at war with the first principles of constitutional liberty to give him, or allow him to assume the custody and control of the public money, as had in effect been done during the last two administrations from the period of the seizure of the public treasury by the executive in 1828, and that it was indispensable to the safety of the government and the welfare of the country that some better system for collecting, keeping, and disbursing the public revenues, should be devised and established than has prevailed for the last eight years.

That the constitution gives to congress all requisite power for securing to the country a uniform national currency and the due regulation of the exchanges, either as essential to the constitutional uniformity, a proper facility in collecting and paying out the public revenues, or as a necessary part of the

regulation due to the commerce between the states; and that it is the duty of congress in devising a plan or system to act in the collection, safe-keeping and disbursement of the public revenue; to make it always subserve the purpose of supplying to the country a national currency, and of facilitating and regulating the general exchanges. The power over the subject of money and currency, and the management and should be exercised without aid from, or dependence on, state authority; but the government should not itself exercise banking powers, or create bills of credit to circulate as currency.

That the public lands after the payment of the debt for which they were originally placed, should be sold to the government, and the proceeds, among which, the proceeds ought to be divided.

This is an evil of great magnitude and danger, if the government fails to provide, by a proper system of revenue, sufficient means for its current support, contracting a public debt for its ordinary expenditures in time of peace, and that a public debt having been contracted, whether in peace or war, as was the fact under the last administration, if it cannot be shortly and promptly met by increasing revenue, true policy requires that it should be thrown into the form of public stock redeemed in as short a time as may be, without imposing excessive burthens on the people.

On the broad basis here indicated, in general terms, the whigs of the United States stood in opposition; and when, after passing through a long struggle, for the most part in a hopeless minority, but gathering strength with every patient effort, they at last obtained power, they stood before the country, and pledged to carry out their principles and policy in measures of administration aptly and wisely designed for that purpose; and in the illustrious man whom they made president, surrounding himself promptly as he did with a cabinet of noble and approved men, and in the strong whig majority elected with them, they saw the basis of a sure guaranty to the country a sure guaranty that their pledge would be faithfully redeemed.

At the late extraordinary session of congress, which had become indispensable on account of the condition in which the affairs of the government and the country were left by the late administration, the whig members of congress pressed forward their duty expected of them by the country. They accomplished all they undertook, and all which ought then to have been undertaken, with the exception of one most vital and important measure, in which they were defeated by occurrences that had been unexpected. They passed a bill for the redemption of a loan bill, by which a portion of the debt of the late administration was provided for, and necessary means supplied to a falling treasury; a revenue bill, by which additional supplies will be obtained, chiefly from luxuries; a bill giving to the poor a permanent protective privilege in the public lands, and distributing the proceeds of those lands among the several states; a bill repealing the sub-treasury scheme; bills for improving our neglected national defenses, by sea and by land; and a bill, indispensable in a highly commercial country, making uniform provisions for security to creditors and relief to debtors in cases of insolvency. These constitute a body of whig measures, which, as an offering of first fruits, cannot fail to be acceptable and satisfactory to the country.

But while we rejoice in what has been accomplished, we are constrained to express our deep disappointment and regret, that the president, providentially in place as such, by the death of the elected president, has been able to do so much for the co-ordinate branches of the government in the measures proposed by them for the adjustment of the great unsettled questions respecting the management of the public revenue, and concerning currency and the exchanges; and on this subject we propose to give vent to our honest sentiments, as becomes freemen maintaining toward the chief magistrate of the republic the most respectful language and deportment.

It stood among the very first and highest articles in the creed of the whigs, that the constitution and the government were not safe with the public treasury in presidential hands; and that the country never could be placed in perilous, without a radical cure of the evil of exchanges; and we condemned, therefore unequivocally the whole course of action and policy, on the part of both the preceding administrations, touching and affecting these subjects. In this very point it was that Mr. Van Buren fell, and the whigs triumphed, and there was the present in which they were to place the country, for relief from this. To establish a better fiscal system, and to restore a national currency, were duties, required more than any others; and so it was universally understood. When the whigs sought office and power it was that they might be enabled to accomplish this very re-

form, and they expected to accomplish it, of course, by some appropriate measure to be devised, and through the instrumentality of those whom they should elevate to places of trust and authority.

It was explicitly understood that their object, or rather these two objects, the proper management of the treasury and the restoration of a sound currency, was to be effected through some other agency than such as had been proposed and employed under the two administrations of General Jackson and Mr. Van Buren, and the general expectation and belief was, among all parties and in all quarters, that resort would be had once more to the only alternative to an institution showing a national bank, sanctioned by the authority of congress. It was an institution should be found necessary, in the judgment of congress to the due execution of the power granted by the national charter, as it was almost universally supposed it would be, then such an institution was to be created; and so common was this expectation and belief, that it is hardly conceivable how any person in any quarter, should have accepted a nomination from the whigs for any high office, in which his voice or his action might be required on this subject, without having considered himself virtually pledged to make his course harmonize with that of his party on a national so vitally affecting, and to the faith which that party had pledged to the country, in the event of its success.

When congress, came together in May last, it is understood that there was an opinion and conviction nearly unanimous among the whigs of both houses, that an institution of the sort just referred to was indispensable. This opinion and resolution, once cast into the form of a law, or of an ordinance, would have been conclusive with Mr. Tyler. He was understood to have expressed himself in answer to interrogatories before his election to the vice presidency, in favor of the constitutionality and expediency of a national bank, notwithstanding his former opinions, provided only the condition of necessity should appear. We think that the whigs, in their judgment, were justified in the judgment of congress, and in no manner whatever to the president, who, in the creed of the whigs at least exercises no part of the legislative power.

Besides this, we hold that the question of constitutionality has been definitely settled, if not by precedent and by analogy, at least by the light of the great examples of the fathers of the republic, and especially, which Mr. Tyler, on his accession to the presidency, proposed to govern himself, at least by the solemn judgment of the supreme judicial tribunal of the country, appointed by the constitution itself for this very purpose; so that while the oath and conscience of the president, and the solemn promises made by him (and we must presume in all sincerity) we are forced, in equal sincerity, to regard them as dangerously set up against the authority and sanction of the constitution itself.

We speak on this subject as of all; not as the enemies, but as the friends of the president; bound, however, as whigs, religiously to keep faith with the country, and to maintain the same high moral character by a prompt disavowal and condemnation of all acts, by friend or adversary, at war with the distinctive principles which we maintain. In this spirit, as whigs speaking to a whig, and in no unkindness to Mr. Tyler, do we express our utter disappointment and regret, that he has made so poor a use of the power which he has assumed to exercise. We declare it to be sanctioned by no principle of the constitution, as understood and expounded at the period of its formation, and by no worthy precedent. We think this power has been employed, in this case, without warrant according to any just construction of the constitution, and used to arrest and defeat the just and proper measures for the better administration of the government, in a point where the whole party, the president included, stood pledged to the country by the most sacred obligations.

While we lament the dissolution of the late cabinet, formed as it has been by the skillful hand of our late glorious president, and which would have been a fitting decision to which the retiring members of that body came, in voluntarily resigning their places. It was a matter for themselves to determine under all the circumstances of each case; and considering the peculiar official relation in which they stood to the president as his constitutional advisers, we do not think they were bound to elude to their offices after it had become abundantly manifest, by the open withdrawal of his confidence and in other ways not less significant, that the president desired and designed to bring other persons into their places.

We deeply regret and disapprove of the course of conduct which the president has pursued, and we adopt towards these gentlemen, and by which they have been driven from the service of the country in the posts which they filled with such distinguished ability. We do not deny the right of the president to select his constitutional advisers, but we lament and marvel that he could not have repaid his con-

fidence in those, who have enjoyed the special confidence of the elected president, and who possessed the unbounded confidence of the whole family of the whigs throughout the entire union.

We are anxious to give to Mr. Tyler, in the discharge of the duties of his exalted and responsible office, a hearty support, and it will be wholly his own fault if we do not. He has already compelled the whig party, almost as one man, to meet some portion of its chief conduct, not only with the aid of its own organs, but with the aid of the organs of its own reprobatum. We should have been false to our own natures if we had done less; and the world will find that, if we have no other virtue, we have that of integrity and faithfulness to our own principles. We mean to demonstrate that our integrity cannot be purchased, even by the executive, with all his patronage and power.

As a national party, sustained by the strongest popular majorities, and dominant in the country, having carried into office, in both the great departments of the government, the legislative and the executive, men of our own selection and choice, it is a crying shame that any doubts should have existed, or should arise, whether we really hold power in both these departments, or only in one. We will not admit the belief that the president has designed or desired to betray or desert his party. That the interests of the country, in some eminent particulars, where those interests were in conflict with the interests of the country, have been sacrificed by him, for the time, we must not hesitate to avow.

Our trust is, that all this was not so much his fault as his misfortune. Coming suddenly into office, without expectation or preparation, he wanted time, as he well might declare, "for deep and deliberate reflection." We trust he will faithfully improve this opportunity for that purpose; and finding out his error will correct it. In the future we shall look to Mr. Tyler for better things. We shall hope and expect to find him every inch a whig, in the true, national sense of that term. In this character and capacity he will have the support of the whigs, and in no other, and we shall fairly give him credit beforehand for good intentions. His acts must show us what he means and what he is.

It is understood that Mr. Tyler has declared since the dissolution of the late cabinet, in the most solemn manner, that his administration should be a thorough whig administration; and that he would not be called into his cabinet or his counsels, or appointed in any quarter to the performance of important official duties. Such a course will secure our confidence, and nothing else will. We must see his new cabinet, with Mr. Webster at the head of it—a man the most eminent political philosopher of the age, and the energies of his great intellect, have been devoted to his country in the advocacy and maintenance of whig principles—we must see that the cabinet one and all, so acting as to prove to us and to the world, of the faithfulness with which they shall represent and sustain the whig principles, and the distinctive principles in the conduct of their own departments. We must see and by the faithfulness and success of their advice and counsel to the president in the discharge of his duties, that they not only have been, but are whigs in very truth and deed. So much we hope for—so much we have a right to expect and demand at the hands of any man calling himself by our name, who consents to retain, or take office in the cabinet under Mr. Tyler.

With faithful counsellors around him, enjoying his confidence, without forfeiting ours, we have a right to hope and expect, that the president will look to the maintenance of whig principles, and better judgment and conclusions, into the important subjects, which Congress have differed. The public money, now in his hands must be taken out; a better fiscal system than that of General Jackson, or that of Mr. Van Buren must be devised and created; and as a part of the currency a national currency must be supplied, and the currency laws must be amended. All this must be done by the unaided authority of the general government, and in a way to avoid the monstrous evils of a government bank, in which, we know, the late sub-treasury scheme, by slight modifications, might easily be converted.

With an impressive language, applied to General Jackson, on a memorable occasion, which will, we think, present, we say to the president, that "honor, due regard to the sacred obligations and duties of office, require of every public man to repair the mischiefs which his own unwise policy may have inflicted on the country."

We reprobate and reprobate the abominable doctrine, avowed by our political adversaries, that the public offices belong to the conquering party, after a contested election as the "spoils of victory." Our doctrine is, that a political party coming into power, is at once charged with, and responsible for, the administrative operations of the government, in all its

departments and places, and that it is its right and its duty to conduct these operations mainly by the hands of its friends. We respectfully commend this just and necessary rule to the notice of the president, for a more efficient observance and enforcement than it has yet received at his hands.

In the avowed heretofore strongly made by Mr. Tyler in favor of the one term principle, we have the assurance that, in his time, the country will not be subjected to the humiliating spectacle of an administration conducted through a mere form chiefly by a view of securing the succession to the incumbent, or to any particular executive favorite, by the corrupt and corrupting application of government patronage. The whig party, without the aid of executive influence, will designate in proper time, a suitable candidate for the office in 1845.

We offer to Henry Clay, of Kentucky, the tribute of our heartfelt gratitude and thanks for all his eminent public services, never more conspicuous or valuable than in the senate during the recent session of congress; and we devoutly trust that he may long be preserved to his country.

The union and integrity of the whig party, and its continuance in power, are still indispensable, if the constitution and the union are to be preserved, and the welfare and prosperity of the country promoted and advanced. Failing now to maintain our ascendancy, we give up our state and our country to all the untold mischiefs and evils which the unhappy experience has shown is certain to follow the rule of those whom we had only so lately driven from power. The restoration of the late dominant party to power, in this state and in the government of the union, would lead, of course, to the establishment of all the untold mischiefs and evils which the unhappy experience has shown is certain to follow the rule of those whom we had only so lately driven from power. The restoration of the late dominant party to power, in this state and in the government of the union, would lead, of course, to the establishment of all the untold mischiefs and evils which the unhappy experience has shown is certain to follow the rule of those whom we had only so lately driven from power.

As whigs we profess to hold power strictly as a trust for the common and equal benefit of all; we are afraid to see it placed again in the hands of our opponents, where it has been so much abused; and we pledge ourselves here, to one another and to the people, that we will not allow those who we represent, that we will spare no effort to continue and perpetuate the ascendancy of our party both in the state and national governments. Doing this, we may hope all good things for our country, its institutions, its freedom, its prosperity, its honor and its glory—from the permanent establishment of our principles and policy, and the completion and success of all our measures.

TO THE WHIG ELECTORS OF THE STATE OF NEW YORK.

Fellow citizens: The state central committee, in discharge of the duties devolved upon it, solicit your candid attention.

We proffer you, fellow citizens, no holiday compliments—no joyous congratulations. Not as when last year we assured you in advance of the triumph of whig principles, here and through the union, in the election of the patriot of North Bend, do we now say so. Since the close of that desperate struggle, resulting in our unprecedented defeat, a gloomy and deep gloom has spread over the face of our public affairs. That inscrutable Providence which deprived us of our beloved president, while the acclamations which hailed his inauguration yet lingered on the ear, has been followed by other calamities which have already been deplored. If we could recall or recite them now—they are living in your memories—they weigh upon your hearts. Enough, that at the close of the first session of congress under the whig ascendancy—a session which has been productive of more wise, beneficent and wholesome measures than all the ten sessions preceding it—a session which added vast and permanent pledges of glory to our own state, and all the states; which has provided ample and justly for the national defence and the national credit—which has rekindled the flame of hope upon many desolate hearths and in very many despairing hearts—a session which, in all respects save one, has already fulfilled the pledges of the whigs to the country, while it has done much for the restoration of national prosperity—at the close of such a session we find the great and patriotic party which has accomplished so much for the general welfare, paralyzed by an inglorious apathy, surrendering to the hands of its oppressors all that has been gained by a twelve years struggle.

We speak frankly to you, fellow citizens, as becomes our character and yours. We know that you may be trusted with the truth, as you know that we are incapable of addressing you in any other language. Fully aware, as you are, that the late locofoco tri-

umphs in our sister states are based on no serious diminution of the whig strength, we are ready and able accession to our adversaries, but solely on apathy and distraction, in view of the recent difficulties at Washington which have paralyzed the exertions of a portion of our friends, and withheld many of them from the polls, we yet say to you, in the sincerity of profound conviction, that a similar course on your part, followed naturally by a similar result in this state, will be virtually fatal to our hopes of maintaining a whig preponderance in the councils of the national administration. And with the overthrow of the whig ascendancy perishes not only the hope of securing the other blessings for which we have struggled, but is restored to power a party pledged to "repeal" the distribution law. These are among the consequences depending upon the issue of your rapidity by approaching election. Freemen of New York! we entreat that your efforts be proportioned to the magnitude of the blessings to be secured—the calamities to be averted.

Electors of the empire state! It has devolved on you in more than one memorable crisis to save the cause of your country from disaster—upholding and sustaining it until feeble hands and hearts were nerved to assist you in bearing it on to victory. It was your earthquake voice which, in 1837, first pealed the popular condemnation of the sub-treasury project. It was your indomitable spirit which, in 1838, when Maine, Maryland, Pennsylvania and Ohio succumbed to executive patronage, first revived and revived the energies of the republic. It was your undaunted firmness—your lofty, patriotic devotion—which, in 1839, when almost every other state surrendered, rekindled the dying watchfires upon the battlements of freedom, and in the breasts of your admiring countrymen lit up an enthusiastic ardor, which the triumph of 1840 was the legitimate result. Freemen of New York! You are they who achieved those glorious victories; your country again appeals for your filial aid in her direct calamity, and if the same spirit still lives in your breast, you can rescue her again. Is she not worthy a generous effort?

At all events we entreat you, fellow citizens, to come forward and vote at the approaching election. Indifference in such a crisis is the blackest treason. If you are tired of serving your country, turn against her and vote the locofoco ticket. If you desire the restoration of servility, venality, and corruption in our state government, vote for the locofoco ticket. If you desire the banking a monopoly in the hands of a central power and the liberty to pursue it sold out in parcels for gold or votes—if you wish to see the business of auctions another monopoly of the central regency, to be doled out by them only to desperate parvenus in payment of purchases of service. But never, we implore you, let your consciences be troubled by the wish to see your superiors overruled by a body of vulgar and uneducated in the appointment of local officers—in short, if you desire the return of that rule which so long rendered New York politics a by-word for corruption through the land, then vote openly for the locofoco ticket, and secure at once the object of your desires and the reward of your efforts. But never, we implore you, let the thought embitter your future years that New York fell supinely into the grasp of her most justly banished Tarquins, when the freeman's weapon in your outstretched hands might have prevented it.

For the venal, the versatile, the timid, the feeble in purpose, we can offer no inducements to engage earnestly in the cause of the people, or in the coming contest. The struggle must be arduous, but its issue need not be doubted. The spoilers, at once smarting under the tremendous defeat of last year, and electrified with sudden and sanguine hopes by recent occurrences, are already in the field with their drilled followers. To their fierce and unscrupulous and unscrupulous calm good sense, the stern integrity, the indomitable patriotism of the majority of the freemen of New York. If these will but devote to their country the few days intervening before election, in the spirit and with the energy of the three last contests, then victory will again be ours. We have no more to say, we thrill the breast of our brethren all over the union. To you, freemen of New York, is committed the great duty of keeping alive the sacred flame of liberty amid the fury of the tempest, when feeble hands have proved unequal to the task. May the result prove you worthy of the high responsibilities with which you are intrusted, and may you be more strongly to the affection and gratitude of your countrymen!

LEWIS BENDICT,
JOHN TOWNSEND,
SAMUEL STEVENS,
JOHN T. TAYLOR,
JAMES HORNELL,
ROBERT THOMSON,
SANFORD COBB,
State Central Committee.

Albany, Oct. 16, 1841.

CHRONICLE.

APPOINTMENT OF A MISSIONARY.—The appointment of a missionary, to travel in the southern states, for the purpose of reorganizing against the sin of slavery. The convention of the American Baptist Convention, and the young school for very properly himself appointed the missionary. He avows his intention to undertake the crusade; but we imagine he will find his valor ebbing out at every pore as he approaches the interior. If not, however, we doubt whether he will make his business known after he gets among us. Indeed, if he will come with his eyes open and his mouth shut, we shall not be surprised if he makes his home among us. He becomes a man of business, and we are sure he is far preferable to the fate which awaits him if he visits us in the spirit of a crusader. (Virginia.)

BANK ITEMS. The Bangor Whig states that the Stillwater Canal bank has been enjoined by the bank commissioners.

The Commercial bank of New York, R. W. Redfield, cashier of the Commercial bank, which was recently enjoined, has disappeared—his accounts are deficient to the amount of about \$56,000. They trace the commencement of his default back as far as 1837. It is rumored that he went out in the Acadia. This is a very astounding disclosure. Mr. Redfield having always been esteemed a very exemplary man. His bond for \$250,000 is said to be perfectly good.

We are authorized to say that Messrs. E. R. Biddle and Edwin Lord, president and vice president of the Morris canal and banking company, have been removed from office by a vote of the board of directors. We understand that their successors have not yet been appointed. (Newark Daily Advertiser.)

A new counterpart of the following description has been found in this city—\$2 bank of Albany—paid for by order—dated August 1, 1841—J. S. Seymour, cashier; Samuel Kellogg, president—engraved by S. Stiles, Sherman & Smith, N. Y. Mr. Kellogg has been dead some two years. (Buffalo Commercial Advertiser.)

A letter from Circleville to the editor of the Ohio Statesman says, the new bank at Circleville has exploded and made an assignment of its assets—there is a good deal of excitement consequent upon this explosion.

The Philadelphia National Gazette says:—There is an increasing demand for money, and the rate in market has advanced. Nine to eleven per cent. per annum, for good notes, is readily obtained.

The ability of the banks of the city to discount is greatly diminished, in consequence of the large amount of their capitals being locked up in the post notes of the bank of the United States. These were received in payment of the sum contributed by them to aid the United States bank to re-assume specie payments.

The following are the amounts held by the banks respectively:—

Bank of Pennsylvania, \$1,363,745

Philadelphia, 1,099,514

Farmers & Merchants, 738,745

Commercial, 350,000

North America, 427,485

Mechanics, 521,885

Manufactures & Mechanics, 160,369

Kensington, 21,330

North Liberties, 214,477

Penn Township, 160,537

Total, 55,078,444

BANK ROBBERIES SENTENCED. Brown, Green and Francis, the robbers of the Herkimer county bank, having severely plied guilty to the indictment found against them, were on Saturday sentenced at Herkimer to four years of confinement, and the payment of \$544. They were striped for Auburn that afternoon, to enter upon the duties of their new station.

THE WILLIAM BROWN. The grand jury at Philadelphia have ignored three bills for murder against him; one of the season of the unfortunate ship *William Brown*, which sailed to drive the passenger to America. He is, however, held under consideration, bills for manslaughter.

CHARLES TON. The census of the populi in Charleston, South Carolina, furnishes the following exhibit:—White males 6,256; white females 6,203; total white population 12,459. Free colored persons 534; male 277; total free colored persons 1,561. Male slaves 6,334; female slaves 5,333; total slaves 11,667. Aggregate total, 29,263.

U. S. S. FIDELITY CONSTELLATION. "at sea, lat. 31° 6', 93 N. 133° E. July 31, 1841. It will gratify the friends of science and navigation to learn that the Constellation and Boston, to know that they are in unusually fine health, not having lost by sickness a man or officer on board this ship, and but one man belonging to the Boston."

(Boston Atlas.)

DEATHS during the last week in New York, 153, of which 109 were caused by cholera, 10 by scarlet fever, 10 by typhoid fever, 39 of them from Ireland, 9 from England, 32 by diphtheria by consumption, 10 were caused by persons.

Death of Mr. Forsyth. By yesterday morning's ens from Washington intelligence was received of the death, in that city, on Thursday night, of the hon. John Forsyth, late secretary of state of the United States.

The hon. John Murphy, formerly governor of Alabama, and representative in congress, died at his residence in Charleston, S. C., on the 21st inst.

SENATE. The *Prolegation* Geo. Purcell (V. R.) made a speech on the 21st inst. will be upwards of 200,000. The house of representatives will have a large Van Buren majority. In the senate it is said the whigs will have a majority of one, the whig candidate in the Albany district having succeeded by a majority of one vote.

In Georgia the majority for M. Donald, (V. D.) is between two and three thousand—in the senate there are 57 Van Buren to 35 whigs, and 1 tie—in the house, 119 Van Buren, 89 whigs. Van Buren majority on joint ballot 53.

In Ohio the elections result in a Van Buren majority of two in the senate and of two in the house—four on joint ballot.

FANEUIL HALL. This structure is just one hundred years old. On the 14th of July, 1740, Peter Faneuil, a distinguished merchant of Boston, made an offer, in town meeting, to build a market hall for his town, being then without one. The offer was accepted by a vote of 367 to 360—by so narrow a vote did Mr. Faneuil secure immortality to his name by connecting it with the cradle of the republic. The building was completed in 1742, and finished in 1743. The generous donor so far exceeded his promise as to add "a spacious and most beautiful town hall over it, and several other convenient rooms," as the description published at that time represents them. In commemoration of his generosity, the town, by a special vote, conferred his name on the hall, and, as a further testimony of respect, it was voted that "the building should be dedicated to the public at the expense of the town, and placed in the hall."

Mr. Faneuil died on the 31 day of March, 1743. The first meeting of the inhabitants of Boston, held in Faneuil hall, was on the 14th day of July, 1740, for the purpose of a funeral oration on the donor. The orator was John Lovell. This discourse has one merit not often to be found at present, in kindred performances—that of brevity. It occupies 2 octavo pages of the *Massachusetts Almanac*. (Boston Times.)

FIRE. About 7,354 houses were destroyed by the recent fire at Sayraw.

FLOR TRADE. The New York Express of Thursday says:

The receipts of produce down the North river, and particularly that through the Western canal, are truly astonishing. All accounts agree that, along the whole line, the receipts are really large. At Boston, the receipts for three months, compared with 1840, were as follows:

	Arrivals.	Wheat.	Flour.	Corn & Oats.
Aug. 1841	210	155,331	50,612	13,759
1840	310	220,372	67,074	21,745
Sept. 1839	267	163,239	55,927	25,474
1840	423	224,131	62,718	21,515
1841	284	433,362	74,561	44,431
Oct. 1839	221,392	54,015		
1840	218	216,009	91,295	10,325

Here is an exhibit rarely given. In September the receipts were 403,362 bushels of wheat, nearly double that of the previous year, and this month will, no doubt, swell the receipts to an equal magnitude. It is to be considered that a much larger quantity of flour has gone from Ohio to Canada, through the Welland canal, than formerly. The surplus produce this year from Ohio, Indiana and Michigan, via Buffalo, will be nearly double what it ever has been. It is only surprising that such an amount of produce as is pouring into the city, can be so easily turned into cash as it is. Flour, wheat and all other grain and ready producers at cash rates. The demand continues for the supplies of the new England markets, the British provinces, and foreign ports.

McLEOD, was acquitted on the 15th instant, and left Utica on the 16th for Montreal, under the protection of the sheriff of Oneida county and two officers of the United States army, who accompanied him to the Canada line. The Montreal Herald announces his arrival in that city on the 16th, by the steamboat Princess Victoria. He was received with open arms, and cheered by an immense crowd that accompanied him to his hotel. He remained a year, and on the 24th of September last, he was arrested upon the 24th September—the second upon the 12th November, 1840, just 11 months prior to his acquittal.

MONUMENTS. The ladies of Wilkesbarre, with commendable zeal, are striving to obtain \$3,000 to build the monument of officers and men who were killed at the battle of Gettysburg. They have raised \$250 on hand and the balance they started with beginning with the noble enterprise.

The monument on Bunker Hill has become an imposing object. It has risen to the height of one hundred and thirty feet, and may be seen from various points at the distance of many miles. Too spectator in its immediate vicinity the effect of this simple, unembellished column of granite is a sensation of sublimity. From the top of the monument, officers have been looking down on few persons can stand near the base and look at the monument without a feeling of awe and veneration. The work, we believe, is now suspended for the season, to be renewed again in the spring, and is executed with vigor to its completion. The monument, by the way, was dedicated on the 10th of October, 1843, to complete it but, from the rapidity with which he wrought the present season, we

have no doubt he will be able to accomplish his labor in the course of the next summer. Twenty or twenty-one countries are now on the point of being completed.

NEW ORLEANS. The deaths reported to the board of health on the 6th inst. amounted to 30—of which 15 were by yellow fever.

THE PROFESSIONS. It is calculated that there are in the United States 14,012 lawyers, 14,680 clergymen and 10,323 physicians.

SHIPWRECKS. At a recent meeting of the British association for the advancement of science, a statement was read, affirming that in the course of the year 500 ships had been wrecked on the coast of that country—the annual loss of lives being 1,200 and of means £23,000,000.

One hundred and ninety odd vessels that have suffered more or less in the late severe gale on the east of New England, have been reported in the Salem Gazette already.

SILK. Since the main spring of speculation in mulberry trees has subsided, many persons, we learn, have turned their attention in a greater or less degree towards the culture of silk. Among those who have entered into the business on a scale perhaps as large as any one in this neighborhood, is Mr. Robert Sinclair, sc. The gentleman, notwithstanding some mishaps, which experience alone will teach him to avoid, produced the past season a fine crop of silk, and on the 21st inst. was able to yield him the sum of \$337. The result is very flattering, and satisfies Mr. Sinclair that the business can be profitably pursued, and that if, as in other states, a small quantity of silk is raised, it may be sold at a profit, and would be induced to enter into the business with profit to themselves and advantage to the community.

(Balt. Amer.)

STEEL. The packet ship Wellington, which sailed from N. York last week for London, carried out \$120,000 worth of steel, and the ship *United States*, for Liverpool, takes about \$40,000.

The Havre packet ship *Sully*, takes out \$185,000 in specie.

The steamer "Acadia" sailed from Boston on the 16th with \$64,000 in specie, from New York, which was shipped through Harden & Co. It is thought that a large amount was sent by private hands, of which the agent had no record.

The steamer *Race-horse* had arrived at Port Royal from Vera Cruz, with \$300,000 for the Commissariat and Colonial bank.

STEAM SHIPS. The *Caledonia*, for Liverpool, left Halifax on the evening of the 5th inst. after a stoppage of 24 hours, with 63 passengers.

The *Acadia* left Boston on Saturday, with 61 passengers, and 1000 letters. The *Acadia* sailed from New York on the 16th inst. She carried out 10,000 letters, and 6 bags of newspapers.

STRAITS. The king of the French has conferred the order of the legion of honor on the celebrated surgeon, Dieffenbach, the discoverer of the operation for the cure of strabismus. Dr. Dieffenbach, it appears, has received the order from the king of the Netherlands, a patient having died to death under his hands. A distinguished English surgeon, Mr. Bennett Lucas, long since demonstrated the danger of this very operation.

CHARGE OF TROOPS. Detroit, Oct. 12. We are informed that an order has been received in this city, by General Brady, informing him that the several companies of the 5th Infantry stationed at this place, Dearborn, Fort Gratiot, and Mackinac, are to be transferred to Buffalo, Niagara, Oswego and Sackett's Harbor; and that the 5th regiment of infantry, heretofore ordered to Florida, are to be stationed upon this frontier—four or five companies in this city, the balance to be stationed to be vacated by the removal of the 5th artillery. The counter order will probably meet the 5th infantry at St. Louis. In this case, they will arrive here early next month. (Advertiser.)

THE LAST VERDICT UPON DEPOSED. Somewhere near Cleveland, Ohio, a suit was brought before the peace. We tell the tale as it was told by the Cleveland News. A jury was empanelled and sworn to hear, determine, and a true verdict to give—according to law, and evidence. The trial proceeded, witness testified, the lawyers argued long and learnedly. The justice gravely considered the jury as to the law involved in the case. The jury retired, and the justice waited for the verdict. The justice mechanically inquired, "Gentlemen are you all agreed?" "All!" He then carefully adjusted his spectacles, and to his utter astonishment, read as follows: "The jury find that this court has no jurisdiction of the case."

WESTERN NATIONAL ARMY. The Madisonian says that in compliance with the provisions of the act passed at the late session of congress, the president has directed the formation of a board for the purpose of "selecting a suitable site on the western waters, for the establishment of a national academy of art, and to designate the following officers to compose the board, viz:—

Brevet Brigadier General W. K. Armstrong, president; Lieut. Colonel S. H. Long, topographical engineers; Lieut. Colonel S. H. Long, topographical engineers; Lieut. Colonel S. H. Long, topographical engineers.

We understand that the board will proceed without delay to the execution of the duty assigned to them.

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NAVY—The Concord; Decatur; courts martial; the Delaware 74 for Rio, list of officers; south sea squadron; capturing squadrons in Mexico; Florida squadron; death of capt. J. A. Milne.

STATES OF THE UNION—Maine, amendment of the constitution; Vermont, legislature met, official returns of election, governor, &c. elected, Grogan came; New Jersey, legislature assemble, election returns; Maryland, military convention, election of governor, list of delegates elected, recapitulation; Georgia, election; Ohio, slave case; Illinois, cultivation of tobacco.

HOME INDUSTRY CONVENTION—Constitution of the "Home League for the promotion of American industry and reciprocal commerce."

MR. SULLIVAN'S SPEECH ON THE ABOLITION QUESTION.

OFFICE NILES' REGISTER,

BALTIMORE, OCTOBER 25, 1841.

MR. C. W. JAMES, of Cincinnati, Ohio, assisted by M. Meeker and James R. Smith, are authorised to collect money due this office and receive new subscribers for the same. His office and residence is on Harrison street east of Broadway line.

⚡—The very kind intimations of our friend D. J. are duly appreciated, and the hints conveyed will be attended to.

FOREIGN ARTICLES.

The steamer Columbia, arrived at Boston on the 21st, in 15½ days from Liverpool, which she left on the 5th, bringing 117 passengers, amongst whom is Professor Harc and his son, and Lord Morpeth M. P. late secretary for Ireland, who designs visiting the principal parts of the union and British America.

Mr. Stevenson the American minister in London is just to leave in the Great Western.

GREAT BRITAIN.

John Bull is still now mightily amused with the hope of shortly having a *prince of Wales*, as he is to the power to love over him—his present professed devotion to petticoat government notwithstanding.

PROROGATION OF PARLIAMENT. The first session of the parliament which made Sir Robert Peel minister, was to terminate either on Thursday or Friday, the 8th or 9th, by an adjournment to the month of January or February.

Parliament continued its sittings, but the new ministry appeared very much at a loss as to what measures it was best to propose for the relief of the country. Sir Robert Peel finds it much easier to pull down than to build up. The measures were evidently growing impatient, and were beginning to inquire for the tokens of that public prosperity so loudly promised them upon the accession of the conservative administration.

Longings have been held, and continue to be held, in all the principal towns of the kingdom, to memorialize the queen not to prorogue parliament until the existing national distress has been inquired into and alleviated. One was held in Liverpool on Saturday

night, the mayor presiding, at which upwards of five thousand people, principally laboring men, were present.

Universal activity prevailed in the dockyards of Chatham, Portsmouth and Plymouth. The line-of-battle ships Formidable, Illustrious, Belvidere, Thalia and Heroine, and the men-of-war Speedy, Pique, Harlequin, Aigle, Syren, Styx and Malabar, were nearly ready for sea. Some difficulty, however, during the harvest, has been carried in in bad condition, and the opinion prevails that the crop is below an average. A serious deficiency is also apprehended in some other articles of food, particularly in potatoes, which in some parts have completely failed.

On the 17th ult. all the foreign wheat and flour in the kingdom, a quantity equal to 1,500,000 quarters of wheat, was released from bond at the lowest rates of duty. This large quantity thrown on the market occasioned a temporary dullness, and a slight depression in prices, but from this the market has recovered, and there is a steady demand for free wheat at 3s. 3d. to 3s. 9d. per bushel of 70 lbs. and for free flour at 3s. 6d. to 3s. 6d. per barrel. For bonded wheat and flour, there are no quotations.

Indian corn is in limited request at 3s. 4d. to 3s. 8d. per quarter, duty paid; the duty this week is 3s. 4d. per quarter. The speculators having attained their object of reducing all the foreign wheat and flour to the low duty, have now no desire to depress the averages; and the new wheat carried in in bad condition, being brought to market, the duty is advancing as rapidly as it fell.

This week the duty is 10s. 8d. and in a few weeks it will again rise to 20s. 8d. per quarter. Should the deficiency in the crop be as great as apprehended, the better qualities of wheat being offered for sale, the averages will rise, and foreign wheat and flour will be again admitted at the lowest duty; thus affording a practical illustration of the admirable and equitable working of a sliding scale.

LIVERPOOL COTTON MARKET, Oct. 4. The whole import of cotton in Liverpool Oct. 1, 984,638 bales. Against same time 1840 1,266,672

Leaving a decrease of 281,974
The imports of American this year 775,181
Against same time 1840 1,101,722

Leaving a decrease of 326,541
The stock on hand, of all descriptions, on the 1st Oct. 1841 535,676 bales.
Do. same time 1840 499,410

Leaving a decrease of 36,266
The stock on hand of American, on the 1st Oct. 1841 395,550 bales.
Do. same time 1840 425,660

Leaving a decrease of 33,080
Showing a decrease in sales of American as compared with last year 293,641
There has been taken, to 1st Oct.

By the trade 775,520 Same time in 1840 922,330
Speculators 157,560 Same time in 1840 190,550
For export 37,620 Same time in 1840 51,290

797,070 1,163,840
Being a decrease of 192,770 bales.
The sales of the week, ending 1st Oct. 1841, were

The current prices have been, of American. Sea Island, ordinary to middling 12½d; fair to good fair 14½d; good to fine 17½d. Stain'd do. ordinary to middling 5½d; fair to good fair 7½d; good to fine 8½d. Upland, ordinary to middling 4½d; fair to good fair 6½d; good to fine 7½d. Middling ordinary to middling 4½d; fair to good fair 6½d; good to fine 7½d. Alabama and Tennessee, ordinary to

land, upon the deposits, which it is understood that they provided in case of emergency such as the present, in Paris and Hamburg; for their bullion is actually £322,000 less than represented in the returns of the 17th September.

LIVERPOOL, Oct. 1, 1841. Our grain harvest is nearly finished, but it is yet too early to ascertain the extent of the crops. Much of the wheat, owing to the uncertain state of the weather, which prevailed during the harvest, has been carried in in bad condition, and the opinion prevails that the crop is below an average. A serious deficiency is also apprehended in some other articles of food, particularly in potatoes, which in some parts have completely failed.

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The Sea Island 160 bales 13½d
Upland 6,180 4½d
Mobile, Ala- 4½d
bama & Ten- 4½d
nessee } 5,980
N. Orleans 9,760 4½d
Surat, 2,640 3½d
Other des. 2,400 5½d

27,190
The sales of the week, ending 24th September, were 342,540 bales.

The current prices have been, of American. Sea Island, ordinary to middling 12½d; fair to good fair 14½d; good to fine 17½d. Stain'd do. ordinary to middling 5½d; fair to good fair 7½d; good to fine 8½d. Upland, ordinary to middling 4½d; fair to good fair 6½d; good to fine 7½d. Middling ordinary to middling 4½d; fair to good fair 6½d; good to fine 7½d. Alabama and Tennessee, ordinary to

muddling 4a5; fair to good fair 5c. New Orleans, ordinary to muddling 4a5; fair to good fair 6a7; good to fine 7a8.

On Saturday, the 29 October, the sales were 5 a 6,000 bales, 1,000 of which to speculators. On Monday (4th Oct) they were 6,000 bales, at very full prices, particularly for the descriptions worth less than 6d.

By reference to the published statements it will be perceived, that while the stock of American cotton is valued by 35,000 bales than at the same time last year, that of other countries has increased 70,000 bales beyond what it was at the same time in 1840; and by the following comparative statement, that although the prices of the grades from fair to fine are higher than at the same time last year, those below fair are as much lower than the then rates.

	1841.	1840.	1841.	1840.
Ordinary	4 1/2	4 1/2	4 1/2	4 1/2
Fair	6 1/2	6 1/2	6 1/2	6 1/2
Good	7 1/2	7 1/2	7 1/2	7 1/2

This may appear unimportant to casual observers, but ought not to escape notice, as it proves the opinion expressed in our last commercial article of the 15th instant, that we have already a powerful rival in the East India possessions of England, leaving Egypt entirely out of the question. From our correspondents we learn that East India cotton now yields more money, as it is estimated that the large quantities now on their way, if sold at present prices, yield a handsome profit. Apart from the questions of politics and crop, this must determine the prices of the lower qualities of American for the ensuing season, and we look for lower prices for some months to come.

As regards the finer qualities, prices will depend much on the supplies of the new crop, and as our late advices from the south lead us to believe that the yield this year will be large, for although the plant has been severely injured in some sections, particularly by the drought in the early part of the year, that only extended to the sandy soils, which the black land, which produces by far the heaviest yield, was benefited. The wet weather since has had a contrary effect, but not, we believe, to any thing like the extent apprehended. To this must be added, the quantity of new land put under cultivation, amounting probably to 10 per cent. and we think we are borne out in our conclusions, that the crop this year must considerably exceed that of 1840; and that if our peaceful relations are preserved, present prices cannot be maintained.

It is true that business in Manchester has been better, but the orders are only for a few weeks' work, instead of months. The market for cotton is also very light, but they have been forced off by various sacrifices, and foreign markets are completely glutted. The depression also in the home market, arising chiefly from the inability of the manufacturing population, and those depending on them for supplies, to purchase any thing like their usual supplies, will tend to prevent the consumption of the remainder of the year from reaching the weekly average of 1840.

The high price of provisions, the number out of employ, and of those who for a long time have had only partial employment, together with the stoppage of the mills from the failure of the winter, will all aid in continuing the present depression, and it will acquire a long period of good business to restore things to their former healthy state.

If we are right in our conclusions, prices then must go down to the lowest rate of profit, and in this case our exports must suffer scarcely a commission can be expected to be realized.

FRENCE.

The disturbances in Paris have entirely ceased, and the capital is now perfectly tranquil.

There is no news whatever in the Paris papers, they are chiefly absorbed by arguments on the unusual number of prosecutions to which, of late, the press has been subjected.

The popular commotions still continued in various parts of France—especially in the southern departments. The ostensible cause of the difficulty is the persistence of the government in taking the census, but there is an under current of excitement, kept alive by persons connected with the government, which if not pacified, will ultimately excite the good king Louis Philippe from his throne.

The Toulon papers of the 2d, announced the sudden return of the squadron, in compliance with orders transmitted by the telegraph; a circumstance which induced the people to conclude that the cause of such great haste could not be a slight one.

RUPTURE OF THE NEGOTIATIONS BETWEEN FRANCE AND BELGIUM. The Debats contains the following "It appears certain that the negotiations between France and Belgium will not, at least for the present, lead

to the grand results we should have desired. We were aware that a customs union would, on investigation, be met with many obstacles; but we at the same time hoped that they would, through the kindness and strong good will of both parties be overcome.

SPAIN.

At the diplomatic banquet given by Mr. Ashton in Madrid, his excellency having alluded to the probability of his recall, the Spanish premier observed, "that the regent's government would perhaps succeed in averting the unpleasant occurrence hinted at by Mr. Ashton, as he, (the premier), had written to the new British minister, and stated to him how much it would be gratified by the continuance, in Madrid, of his present representative, who had so completely identified himself with the views and wants of the existing government."

A bull fight at Barcelona, the mob required something that the municipal officers on the spot thought proper to deny. But the rioters, who have made demonstrations not unlike those which in July 1835, ended in the slaughter of a number of friars, the authorities gave way.

PORTUGAL.

The difficulties between Spain and Portugal, so far from being ended, were growing more violent than ever. The tone of El Diario, at Madrid, was decidedly warlike, and seemed to consider the "national honor" at stake—as though Spain still possessed any of that quality worth preserving!

THE EAST.

A letter from Constantinople, dated 1st September, says that much uneasiness is occasioned in the Turkish capital by the continued armaments of Mehemet Ali, and that the convictions produced there are that the pasha is making preparations for declaring himself independent. The sultan on his side is considerably increasing his military forces, and a firm calling out new levies will be published in a few days.

PRUSSIA.

The Prussian government had had its attention drawn to a new and ingenious contrivance for walking on the water—an elaborate account of which is given in the Prussian State Gazette. It is the invention of a pioneer in the garrison at Magdeburg, who several times descended the river with his knapsack and musket, with as much apparent ease as he would travel over a dry road.

A German student, who had been produced at Dresden by certain new facts which had transpired relative to the demise of the young author, Gerstenhaye. It was at first asserted that he committed suicide in a fit of insanity, during the performance of one of his tragedies at the National theatre; but it has been since ascertained that the poison which caused his insanity was administered by a rival author. The case was undergoing investigation before the private police, and the facts already elicited were said to be of the most singular and revolting character.

CHINA.

ATTACK ON CANTON. The arrival of the Narra-gansett at New York, furnishes news from the Celestial Empire to the 1st of June. The British, it will be seen, have added another item to the sad catalogue of outrages upon humanity, which their rapacity for power—or rather cupidity evinced in the determination to secure at any and every price, extended commerce for their insatiable monopolizers of the trade of the world. It is but another leaf in the lessons of admonition for Americans. China and her undisciplined and imbecile world of mortals are to-day the quiet victims—and all Europe stand by with folded arms, not even breathing the cheap objection of a manifesto against this new evidence of rapacity with which the transaction is so deeply dyed.

The expedient to which the unfortunate Chinese have resorted, of ransoming their cities, will but feed the appetite and increase the capacity of their enemy, whilst it is the certain method of impoverishing themselves. Six, eight, or ten millions of dollars is paid to redeem Canton—as much may be exacted from every city in the route of the British to Peking. The English have played this game in India for a century past. They understand it. It would have been better perhaps for China that Canton had been abandoned, like Moscow, to the flames, for the sake of the country.

Our previous advices had met the British fleet approaching Canton. On the 21st, Captain Elliot issued at Canton the following circular:

"In the present situation of circumstances, her Britannic majesty's plenipotentiary feels it his duty to request that the British and other foreigners now remaining in the factories should retire from Canton before sunset."

"CHARLES ELLIOT,

"H. M. Plenipotentiary.
British Factory, 21st May, 1841."

Even without this notice, the warlike preparations made by the Chinese in every direction, were so apparent, that it had been more too palpable that the Chinese contemplated continued hostilities, probably on that very day; in many of the packhouses, and even on their roofs, guns had been planted; every street leading to the river's edge had become a masked battery, and pennons and flags were flying over every corner; the Chinese soldiers were seen every where, and even the Hong merchants' warehouses while crews were being weighed; a party returning on Friday from one of these Hong saw, whilst pausing at the foreign factories in a boat, many of the batteries, the soldiers in which, for amusement's sake, pointed the guns at them, without, however, molesting them.

The flood of river from the Pynades, fully to the most northern end of Canton presented one continuous line of fortification, and a large number of guns were planted on Dutch and French Folies. A new fort had been built at Shamang, and it was known that an immense number of fire rafts had been prepared in many creeks in different parts of the river. In fact the magnitude of the Chinese preparations proved that they were now bent on most determined resistance, and to drive the English out of the river with much greater loss of time, and that to effect this a simultaneous attack on the different positions of the English was intended.

The local authorities, however, published proclamations, and sent messages through the Hong merchants and linguists, assuring all resident foreigners of their perfect safety in Canton.

Pursuant to the above notice of Captain Elliot, all foreign merchants took to Canton, with the exception of two, left their factories, the last one departing at about 6 in the afternoon, and from what occurred after, they intended to surprise all the foreign merchants that very night, and to have carried them off prisoners, had they escaped death at the hands of the infuriated mob. They have indeed had a most Providential escape.

Some four or five Americans, confiding in the assurance of the Chinese, remained in their factories. The same night the Chinese commenced hostilities by sending a fleet of fire boats and rafts against the vessels of war lying near the city, but without doing them any harm.

This act was avenged by the Pylades and steamer Nemesis, that attacked and destroyed a battery near the factories, and about 40 fire boats and as many fire rafts.

On the morning of the 23d an American resident was seized by the Chinese, and taken from his factory; at the same time three boats belonging to the American ship Morrison, with three passengers and seven seamen, were captured soon after leaving the factories for Whampoa, and the party carried prisoners into the city.

From this, the time was occupied by the English, in concentrating their forces near the city, until the 24th, at 4 P. M. The Hyacinth 18, Modeste, Pylades 18, Nimrod 18, Columbia 16, Cruiser 16 and Algerine 10, having taken up their position in front of the city and suburbs, opened their fire upon every point of the Chinese, who returned it with considerable spirit at first, but were soon compelled to desert their guns. At 5 P. M. a body of soldiers, about 400, were landed at the foreign factories, in the vicinity of which the Americans who had been taken prisoners two days before, were examined by the authorities and released.

The firing was continued until about 9 P. M. when the suburbs were on fire in several places and nearly all the batteries on shore in possession of, or destroyed by the English.

While this was going on in front of Canton, Gen. Gough was landing his troops, 1,800 men, at the foot of the heights, in the rear of the city, and on the morning of the 25th he commenced operations parading the day's work was not yet known, other than that, with a loss of some 40 killed and wounded, four batteries were taken from the Chinese, and great numbers of their officers and soldiers killed, the heights commanding the city taken, and the British forces were again upon the river.

The loss of the Chinese on this occasion is variously estimated at from 3 to 5,000, and even as high as ten thousand men—and they now find to their cost and extreme disappointment, that they are unable to cope with European troops on shore as they have before proved themselves in their encounters with British forces afloat.

On the 26th the vessels of war were engaged in quieting and destroying the few remains of opposition, and in the evening mandarins called on Capt. Elliot with flags of truce, to negotiate for the preservation of the city.

Previous to the Narragansett leaving Whampoa, the Chinese had argued to pay six millions of dollars as a ransom for the city of Canton, one million of which had been delivered on board H. M. S. Hyacinth, on the 27th May.

On the 15th June, just before she left Macao Roads, news was received that fighting had again taken place with some newly arrived troops, and that a few foreigners who had returned to land, and some of their property, were again obliged to retire to their boats.

Annexed are a few extracts from the Canton Press of the 12th and 19th June, kindly loaned, to Mr. Low for a few moments by the residents at Angier.

Arrangements made between H. M. plenipotentiary and the three imperial commissioners.

1st. That all troops, except those of the province, quit the city within 6 days and proceed 60 miles.

2d. Six millions to be paid as a ransom for the city within one week, commencing 17th May. One million to be paid before sunset of that day. If the whole sum is not paid within 7 days, to be increased to 7 millions; if not paid within 14 days, to be increased to 8 millions; if not paid within 20 days, to be increased to 9 millions.

When the whole sum is paid, then the British forces to proceed outside the Bogue, and all the fortified places on the river to be restored, but not to be re-armed until all the affairs between the two countries are settled.

Losses occasioned by the destruction of the Spanish brig, *Bellefleur*, and the factories to be paid for by the Chinese.

"The Qiong-chow-fu shall produce full powers to conclude these arrangements on the part of the three commissioners."

The troops had returned to their ships previous to the 14th instant, after having suffered a great deal of ill-humour in the marshy and back of the city. The Chinese even sent guides to assist in taking their troops to the boats, being glad to help to rid themselves of such troublesome visitors. When the troops were being drawn off, one company was found to be missing, but after a short search were described to their knees in a marsh defending themselves against superior numbers, and the rest of the company, not being able to discharge their muskets on account of the rain which was then falling. They were rescued from their perilous situation by a detachment sent to their assistance with percussion locks.

Sir H. Fleming Semhouse, who commanded the navy forces in the absence of Sir Gordon Bremer, died at Hong-Kong on the 14th June, and was buried at Macao, at his own request, in preference to the former place. It is supposed that his death was occasioned by heat and over fatigue attending the attack upon Canton. Great sickness also prevailed among the troops and seamen at Hong-Kong. Capt. Elliot had been sick a week. Messrs. Morrison and Fearon, interpreters, had also been very ill. Six million dollars had been paid—five in silver, and one in securities.

The forces had left the river, except the Gallopoe, and Herald, at Whampoa. The Nimrod had sailed with despatches for Bengal. Captain Barlow was to proceed from there to England with despatches for the admiralty.

"Persons who suffered losses by the destruction of the factories, requested to hand in an inventory of the same to H. M. plenipotentiary.

"Her majesty's subjects warned that it is unsafe to proceed to Canton, or send ships to Whampoa, and request to go to Hong-Kong, and ratified that any attempt on the part of the Chinese to interrupt freedom of trade and intercourse with Hong-Kong would be answered with a strict blockade of Canton.

"On the 15th June the Chinese were again preparing great quantities of fire rafts, and large supplies of match string and money had been sent to Canton from the different provinces."

"A passenger in the Island Queen from Macao, 20th June, bound to Bombay with despatches to be forwarded to England, informed the residents at Angier that the sickness was so great at Hong-Kong that it carried off 5 principal officers in one day."

The ships Ann McKim, Huntress, Jas. Perkins and Resolute, were at Whampoa on the 19th June. The M. had a full cargo of cotton from Bombay. The Ann McKim had part of a cargo of cotton from Macao Roads. The Huntress had two chops of tea on board. The probabilities were that it would be some time before the vessels would load.

FORCES OF THE EXPEDITION IN CHINA.

H. M. S. Blenheim, 74	Sir H. S. Fleming Semhouse,
Wellesley, 74	K. C. H. senior officer, &c.
Blonde, 44	Samuel Pritchard, com'dr.
Deuile, 44	Captain Thomas Mallard.
Gallopoe, 26	Commander Fletcher.
Conway, 28	Captain F. Bouchier.
Herald, 28	Herbert.
Aligator, 28	C. D. Bethune.
Hyacinth, 18	Nias.
Deuile, 18	H. Kuper.
Cruizer, 16	Commander W. Warren,
Pyldes, 18	38 Gylres.
Columbine, 16	Gifford.
Sulphur, 6	T. V. Anson.
Nimrod, 18	T. J. Clarke.
Starling, 6	E. Belcer.
Hebe, schr. 4	C. A. Barlow.
Louisa, cut.	Lieutenant J. S. Nossin.
Rattlesnake, troop ship,	H. Killett.
A. C. S. Atlanta, armed steamer,	Mate R. R. Qum, Com'd.
Meness, Hall.	T. Carmichael.

We copy the following curious and interesting announcement from the Southern Literary Messenger for October. Authentic accounts from Timbuctoo will put the literary world on the alert.

Dr. Charles Matthews, who left the United States about fifteen years since, with a view to make discoveries in the interior of Africa, writes to a friend in Vermont from Abyssinia that he shall return in the summer of 1842, and that he has been generally successful in his researches. He had travelled from Morocco, across the great desert, to Timbuctoo, and from that capital nearly to the Cape of Good Hope, back to Timbuctoo, and to Abyssinia, besides making several less important journeys, which had added much to his knowledge of the geography of the country and the social condition of its people.

BEYOND THE EYLES.

The brig *Oswego*, Captain Greaves, arrived at Boston, brings Buenos Ayres dates to the 29th August. Captain Greaves states that the Montevideo squadron, under Commodore Coe, anchored off Buenos Ayres just before he sailed.

TEXAS.

A treaty has been signed between the states of Yucatan and Texas, and Colonel Peraza, the minister of the former power, is now at Galveston, awaiting a Texas ship for his return.

The full returns of the late presidential election in Texas are now in. General SAMUEL HOUSTON received a majority of the popular vote of more than 5,000 for president, and Colonel BURLESON got more than 2,000 majority for vice president.

NATIONAL AFFAIRS.

PRESIDENT TYLER reached Norfolk on the 21st, and next day visited the U. S. ship Delaware, Com. Morris, lying in Hampton roads, and the public works at Fortress Monroe—on the 23d he visited the navy yard, dry dock and public ships at Portsmouth. Mr. William M. McKim, of Montreal, on that night a ball was given in honor of him by the citizens of that place.

THE CABINET. The U. S. Gazette says: "We do not see, and we are glad it is thus, that there is much animadversion upon the movements of the heads of departments at Washington. Most of them are so recently placed in office, that they have not had time to develop any plans of public good, or acquire credit (in their new positions) for any peculiar fitness, though we think they are not to disappoint their friends."

The office of secretary of the treasury has acquired a species of independence by some means, consequently, probably, upon the peculiar relations of that office with congress, rather than with the executive. Knowing as we do the present head of that department, we shall look to see him present to congress his plans for fiscal arrangements, without that immediate dependence upon executive views, which is sometimes manifested, though of course, not without that proper deference to the head of the nation, which no man knows better how to appreciate and exhibit than Walter Forward. But Mr. Forward is a Pennsylvanian in his views of raising national supplies, and he is, if we mistake not, a friend of protective duties, though we cannot doubt that at the present moment, he will respect existing arrangements in a considerable degree. We shall, therefore, in proper time, look with confidence to him for a plan which will bear upon it the impress of his own

mind, and be consistent with the general views of Pennsylvania.

POSTMASTER GENERAL. The *Bardsworth* (Ky.) Gazette, of the 9th, gives an account of a dinner given to Gov. Wickliffe, by his friends and neighbors on his last leaving the seat of government. Mr. Wickliffe's remarks upon the occasion were brief but very good. The annexed extract derives interest from his new and important position in the councils of the nation:

"It shall be my purpose to aid, if possible, to heal the divisions which now afflict and divide the councils of the nation, to further the establishment of such measures as will tend to increase the sound currency and cheap exchange, such as shall give wings to commerce and reward to industry."

"But fellow citizens, we have other difficulties of a more delicate and vital importance to the American people. Our domestic troubles can be settled by ourselves, by the exercise of that enlightened and liberal patriotism which has ever characterized Americans. We have difficulties incident to our relations with a foreign power to adjust."

"At this moment we are threatened with a war by the most powerful nation of Europe. What is the precise state of negotiation at this time between England and America, I am not informed; and if I were, it might not be proper in me to disclose it. So far as I can understand the subject, it does appear to me that the American government has assumed the true position of justice and moral ground—a position she must and will maintain. (Cheers.)"

"Our policy as a nation is to cultivate peace. It is the path which conducts to prosperity and true glory; and I trust that both councils of both nations will be influenced by wisdom; and under the guidance of all-wise Providence, we shall escape that greatest of calamities, civil war. Yet, that great wisdom and proud nation shall not take her councils from wisdom or draw lessons from experience, but insist upon demands inconsistent with our national honor, rely upon it, gentlemen, I will, in the expression of my own opinion in your councils, but echo the sentiment of all who are here, that I know of no other way, I say, *war, with all its horrors, before national dishonor*! [Loud and repeated cheering.] When this crisis arises, need I ask where will be found Kentucky? I answer for her, she will be on the side of our common country; once more and again maintaining the glory and honor of our United States. [Flaunts.] Ah! and where will be old Nelson? He will send forth her gallant sons, to pour out their life's blood on the battle-field. Other Dums and Murrys will be found in her borders, to offer their lives, a willing sacrifice in the cause of freedom." [Great cheering.]

SECRETARY OF THE NAVY. The National Intelligencer contains the following extract from a work of Judge Upshur, touching the one term principle:

"The re-eligibility of the president from term to term, is the necessary source of numberless abuses. The fact that the same president may be elected, not for a second term only, but for a third, or fourth, or twentieth, will ere long suggest to him the most corrupting uses of his powers, in order to secure that object. At present there is no danger of this. Presidents are not unduly snubbed by free granting of the people, but by party management; and they are always more than one in the successful party who are looking to their own turn in the presidential office. It is too early yet for a monopoly of that high honor; but the time will come when the actual incumbent will find means to buy off opposition, and to ensure an undisturbed term, by free granting of the trusts which belong to it. This is so obviously within the natural course of things, that it may well excite our surprise that the convention should have left the public liberty wholly unguarded at so assailable a point. It is surely a plain dictate of wisdom, and a necessary condition of every free government, that there should be some definite limit to the duration of executive power in the same hands. We cannot hope to be free from the corruptions which result from an abuse of presidential power and patronage, until that officer shall be eligible only for one term—a long term, if you please, but one term shall be rendered more easily and directly responsible to the power which appoints him."

CONSUL. Francis J. Grund, esq. of Philadelphia, United States consul for Bremen, and Italy, sailed from New York for Liverpool, in the *Garrick*, on Monday.

SEIZURE. The *Sandusky* Clarion states that E. H. Haines, collector of that port, seized on the 2d inst. at that place, 24 guns, nicely hoisted up, which

were supposed to have been destined to aid in the patriot cause.

A SUIT is now before the United States circuit court sitting at Philadelphia, in which Reside, the mail contractor, is plaintiff and the United States are defendant, involving a claim over \$300,000.

THE STATUE OF WASHINGTON, has been removed, by Captain Esby, from the navy yard, where it has been since its arrival from Italy, to the rotunda, in the capital. The weight of the statue, and was raised from the weight to the level of the floor of the rotunda—a height of twenty-six feet—in twenty-five minutes, and placed on the way which had been prepared for it. Capt. E. tenders his thanks to William Waters, the boatswain attached to the navy yard for the aid he voluntarily rendered in the elevation of the statue to its required height. The preparation of the shears and the necessary tackle were under his immediate direction.

SARCOPHAGUS OF WM. HENRY HARRISON. A very beautiful and appropriate structure has been sent from Washington to North Bend, for the purpose of enclosing the remains of the lamented Harrison. It is the workmanship and donation of Mr. L. O. Cook, a worthy and ingenious cabinet maker, of the city of Washington. It was mistaken as it would certainly be by almost any person, for natural marble of a superior quality—but we learn by a communication from T. D. Jones, that by a newly discovered art, commingled marble or other rock may be incorporated in a cement in a state of fusion and moulded into any shape, assuming an appearance corresponding to the color or colors of the rocky material, and approaching in a great degree, to the beauty, firmness and strength of the native rock.—By this process was the sarcophagus referred to made, as also a case of similar material enclosing it, of which Mr. Cook was the factor and the donor.

THE LATE SECRETARY OF STATE. The funeral of the Hon. John Forsyth, which took place on the 23d, was attended by all the representatives of the different governments at Washington, by the heads of our executive department, the governor-in-chief of the army and many other officers of the government, civil and military, as well as many private citizens. The religious services were conducted by the Rev. Mr. Hawley and the Rev. Mr. Butler, of the Episcopal church.

PRESIDENTIAL. The friends of General Scott in Lancaster have had their adjourned meeting, and resolved to connect the names of Scott and Banks at the election in 1844—the former for the presidency, and the latter for the governorship of the state—one term and reform.

The meeting of the friends of Mr. Van Buren, held on Monday evening, at Holahan's, was numerously attended. John Horn was called to the chair, a committee was appointed, who reported resolutions favorable to Mr. Van Buren, and expressive of the approbation entertained by the democracy of Philadelphia, relative to the course pursued by his administration. The committee also reported a resolution against any present nomination for the presidency, and against any action in regard to that subject. A substitute for these resolutions was offered, which, after some debate, was postponed, together with the report of the committee. A resolution was then adopted, expressive of the undiminished confidence of the democratic party in Mr. Van Buren, but deeming it inexpedient at this early day to take any action as to the next presidency. [Pennsylvaniaian.]

COMMERCE. The registered, enrolled and licensed tonnage of vessels in the United States was, in 1815, 1,366,127 tons.

In 1818, it had sunk to 1,225,184; it suffered occasional fluctuations, but generally rose, so that in 1840, it was 2,180,764.

The number of vessels built in the United States, the year ending September, 1840, was 871, amounting to 118,309 tons.

Of these Maine built 181 vessels, of 38,936 tonnage; Massachusetts 113, of 17,811 tonnage; New Jersey 109, of 6,791 tonnage; Pennsylvania 103, of 8,185 tonnage; Maryland 111, of 11,736 tonnage.

Among the vessels, viz: 50 ships, 56 brig and 75 schooners; while Connecticut, New York, New Jersey and Pennsylvania, built a greater proportion of sloops.

Pennsylvania built 6 ships and 78 sloops—Ohio built 5 steamers.

In the year ending with September 30, 1840, Louisiana exported \$34,236,936, and New York exported \$31,264,080.

Louisiana imported \$10,673,190, and New York \$10,673,190.

The whole exports of the United States were—	
Domestic	\$113,895,634
Foreign	18,190,312
	\$132,085,946

The whole imports of the United States were	
	107,141,519
Difference	
	25,944,427

LUMBER TRADE. Wisconsin appears to be coming into the market with her lumber as well as her lead. She has already sent to market a considerable amount of produce. Heretofore a large portion of the lumber used at St. Louis, has been carried from Ohio, whence it had come from the head waters of the Allegheny. We see by the last St. Louis papers that 150,000 feet of plained lumber have reached there from the St. Croix, in Wisconsin. It is said to be of first rate quality. [Cin. Gaz.]

THE ARMY.

GENERAL ORDERS, No. 62.

Head-quarters of the Army, Adjutant General's Office, Washington, Oct. 14, 1841.

Paymaster Elbert Herndon, having failed to turn over a balance of public money in his hands for the payment of the troops, after the reiterated orders of the paymaster general of the army, is, by direction of the president, hereby dismissed from the public service. By command of Maj. Gen. Scott:

W. W. S. BLISS, *ass't adj't gen.*

GENERAL ORDERS, No. 64.

Head-quarters of the Army, Adjutant General's Office, Washington, Oct. 19, 1841.

The following regulation has been received from the department of war, and is published for the guidance of all concerned:

"Paragraph 1,103, general regulation for the army, will be so construed as to embrace soldiers temporarily placed in private hospitals, by competent authority.

"Upon the recommendation of the senior surgeon of any post or detachment, approved by the commanding officer, diseased soldiers may be placed temporarily in hospitals, provided that the charges of each shall not exceed the commutation for rations allowed by paragraph 1,103, general regulations.

J. C. SPENCER, *g.*

"Department of war, Oct. 15, 1841.

By command of Major General Scott:

W. W. S. BLISS, *ass't adj't gen.*

MOVEMENT OF TROOPS. Several companies of United States troops arrived at New Orleans on the 16th ult. from Jefferson barracks, St. Louis. They were destined for Florida.

The steamboat Little Rock, arrived at New Orleans on Friday, 15th inst. from Arkansas, with about 300 men for Florida. The following is a list of the officers: Lieut. col. J. Garland, commanding, major T. Staniford, 1st Lt. M. C. M. Hammond, adjutant, assistant surgeon B. W. Woods, assistant surgeon H. H. Steiner, brevet major W. M. Graham, captain G. A. McCall, captain C. H. Larnard, 1st lieutenant A. Alvord, 1st lieutenant H. Prince, 1st lieutenant C. Hoskins, A. A. Q. M. 1st lieutenant R. M. Cochrane, 2d lieutenant J. H. Gore, 2d lieutenant E. G. Elliot, 2d lieutenant S. Smith, 2d lieutenant G. O. Haller, 2d lieutenant H. D. Wallen.

We understand that the steamboats Sarah Ann, Mingo Park and Osage, have been chartered to transport the 5th regiment of infantry to Portsmouth, Ohio, whence they will proceed to the posts assigned them in general orders. They are to leave to-morrow (19th) from Jefferson barracks. There are, in all, about 800 men. [St. Louis New Era.]

LITTLE ROCK, ARKANSAS, October 6. The steamer Little Rock arrived September 30th, having on board the 2nd regiment of infantry, seven companies, consisting of about seven hundred men and officers, and also two or three distinguished Seminole chiefs, destined for Tampa Bay, Florida—Lieutenant Colonel Garland first, and Brevet Major Graham second in command. The troops were in good health and spirits.

FLORIDA. A writer from East Florida, October 20, says: "The glad tidings have at length come to hand that Tiger Tail's brother, Enoch-the-brother, has come in to Tampa Bay, and reports that Tiger Tail is on his way in, with the most of his people or band. Should he come in, and there cannot now be a possibility of a doubt but he will, it will be glorious indeed, for the settlements will be immediately relieved from the depredations of the Seminole savages, and it will narrow down the line of operation to but a short space comparatively, the everglades.

Six companies of dragoons are to leave Florida for Tampa Bay and to occupy on the Apalachicola frontier. Their move will be immediately. A company of the 2d infantry relieves the company of dragoons at Trader's Hill; another company of the same regiment relieves the company of dragoons stationed at Fort Moniac."

TROOPS FOR FLORIDA. Lieuts. Arden, Guise and Page, and Surgeon Elwers, with 140 troops of the 7th infantry, left in the steamer Forester for Florida. They arrived yesterday in the ship Samarang from New York. [Savannah Republican.]

THE NAVY.

The U. S. ship Concord was at Pernambuco, Sept. 18th, 1841.

The U. S. sloop of war Decatur, Commander Ogden, arrived at Buenos Ayres, July 29, from Rio Janeiro and Montevideo.

NAVAL COURTESIES. We hear of two naval courts of inquiry and one court martial, being ordered.

A court of inquiry is ordered at New York to investigate the disastrous accident on board the U. S. steamer Fulton, by the bursting of one of the rined out guns, which caused the death of two seamen and wounded several others.

Another court of inquiry, of which Commodore Stewart is to be president, and Captains Biddle and Read members, is to be held in Philadelphia, to inquire into the circumstances under which Captain Bolton, of the U. S. ship Brandywine, returned from the Mediterranean.

A general court martial is ordered at Washington, of which Commodore Kennedy is president, for the trial of such officers as shall be brought before them.

[New York American.]

The U. S. ship of the line Delaware was to have sailed on Tuesday from Hampton roads for the Brazilian station. The following is a list of her officers:

Commodore Charles Morris.
Captain, Charles S. McCauley.
Commander, D. G. Farragut.
Lieutenants, Wm. T. Smith, Benjamin S. Rowan, Charles C. Turner, Wm. McBlair, Steven M. Rowan, Cicero Price, O. H. Berryman, Fabius Stanley.
Fleet surgeon, G. B. R. Horner.
Purser, Edward N. Cox.
Chaplain, Charles Henry Alden.
Commodore's secretary, Geo. W. Lippitt.
Act'g masters, Wm. T. Smith, Benjamin S. Gantt.
Prof. of mathematics, W. B. Benedict.
Passed assistant surgeon, Charles Hassler.
Assistant surgeons, J. Howard Smith, Stephen A. McCreey.

Passed midshipmen, Wm. H. Maccomb, M. B. Woolsey.

Boatswain, Edward Crocker. Gunner, Thomas Robinson. Carpenter, Francis Sage.

Commodore's clerk, Wm. B. Morris.

Captain's clerk, D. St. Leon Porter.

Midshipmen—Wm. B. Fitzgerald, Jas. H. Sperry, Robert H. Getty, Edward C. Sides, Jas. H. Harts, W. H. Jameson, Tenant McLaughlan. Act'g midshipmen—Edward C. Pasteur, Richard L. Law, Jonathan H. Carter, J. J. C. McCook, John R. Parker, W. H. Fawcett, Peter Kemble, T. W. Broadhead, Charles W. Aby, Wm. Gibson, Jesse M. Smith, James W. McCurdy, W. D. Austin, John Wilkes, J. J. McHenry, Albert Almond, Thomas C. Harris, Wm. Mitchell, P. G. Wainwright, Sailmaker, Thomas J. Boyce. Ass't purser, M. De Murea.

Captain marines, Alvin Edson. Lieut. marines, W. A. F. Maddox, Wm. B. Slack.

Passenger surgeon, Charles C. Spencer, and lieutenant Charles Hunter.

THE SIXTH SEA SQUADRON. A letter from a correspondent of the Baltimore Republican, writes from Lima, (Peru) 21st June, that "the U. S. ship Yorktown, captain Aulick, sailed hence about four weeks since, for the Marquesas, Society and Friendly islands and New Zealand; such will probably return here in about six months.

The U. S. ship "Dale," capt. Charles Gann, is here; her destined cruising ground is up and down this coast.

The St. Louis is on a cruise to the Sandwich Islands; and is expected to go home soon after her return here.

The schooner Shark is daily looked for, from the leeward coast. Her commander (Biglow) is expected to return home in the frigate; in which event, Lieut. Carpenter, 1st of the Constitution, will take command of the schooner.

The store ship Relief, Lieut. Com'g Nicholas, is lying here. All the naval stores lately in depot on shore at Callao, have been removed on board of her.

Last accounts from the exploring squadron left them at the Sandwich islands, refitting for a cruise to Columbia river, and the northwest coast.

The schooner Janet, arrived at Baltimore, reports having left at Rio Janeiro on the 11th of September, the U. S. ships Potomac, Captain Storer, Constitution, Captain Turner, and schooner Enterprise, left commanding Goldsborough.

The U. S. sloop of war Decatur, capt. Henry V. Ogden, was at Buenos Ayres on the 29th July.

The Fairfield, Com. Tatnall, arrived at Gibraltar on the 12th Sept. from Medara.

The Consort, after encountering the heavy gale of the 3d, 4th and 5th insts. during which they were obliged to throw their cannon overboard, and lost their boats and anchor, arrived at the navy yard, Brooklyn, on the 16th inst.

FLORIDA SQUADRON. Advances from Key West, to the 16th instants, furnish the following information respecting the gallant little squadron under command McLaughlin, which has been despatched to Florida, to co-operate with the army against the Indians. The service in which they are engaged is an arduous one, and will be performed in a manner worthy of the character for bravery, zeal and intelligence which marks the commodore and his associates in arms.

The U. S. schr. *Phenix*, Lieut. Comd't Noland, arrived at Indian Key on the evening of the 6th inst. after a boisterous passage of 13 days, and found there U. S. schooners *Waver*, Van Buren and *Osgo*. On the 7th, Lieut. Noland left the *Phenix*, to take command of the barges, and was succeeded in the command of the *Phenix* by Lieut. comd't C. R. P. Rodgers. During the day Commodore McLaughlin arrived at Indian Key, in the *Flier*, and ordered the *Phenix* immediately to Key West, 70 miles distant. The pilot thought he would attempt to make the run at night, as the wind was fair, and the consequence was, that in the mid-watch the vessel struck on Washerman shoal, off Key Sugarloaf, about 12 miles from Key West. She thumped and scraped violently for about eight hours, in a fresh gale and rough sea, and it was expected that she would go to pieces. Lieut. Rodgers and his officers displayed great coolness and skill, and by their exertions succeeded in getting her off before assistance arrived.—Fortunately the schooner was not materially injured, having lost a part of her false keel and had some slight damage done to the rudder.

Acting Lieut. Barney and Assist. Surgeon Broughton have been transferred from the *Phenix*; the former to the *Madison* and the latter to the *Waver*.

Extract of a letter from an officer on board the *Phenix*, at Key West:

"An expedition has started for the everglades since our arrival here; this is merely prelude to the grand expedition, for which all hands are preparing, and which it is expected will result in the capture of Sam Jones and the termination of the war.

DEATH. Captain Joseph Whitney, long and well known as a steamboat commander on Lake Ontario, died at Lewiston on the 11th instant. Capt. W. entered the navy early, and was in the Dartmouth prison during the war. After his release he was with Commodore Warrington in the *Peacock* when she captured the *Epervier*. He was a good seaman and an honest man. When his death was announced the vessels on both sides of the Niagara river and at Buffalo displayed their colors at half-mast in honor of his character and memory.

STATES OF THE UNION.

MAINE.

CONSTITUTIONAL AMENDMENT. The people of this state at their late election decided against altering their constitution so as to elect their governor biennially, *aye* 8,998, *no* 26,551; and in favor of the change limiting the number of representatives to 151, *aye* 23,217, *no* 6,615.

VERMONT.

THE LEGISLATURE commenced its session on the 21st instant. The following officers were elected in the house of representatives: hon. Charles Colledge, speaker; F. F. Merrill, clerk; Ambrose L. Brown, assistant clerk, and Oel Billings, engrossing clerk.

ELECTION. The official returns as ascertained by the legislature show that for governor 47,942 votes were cast, of which there were for

Charles Paine, (whig)	23,353
Nathan Stullie, (Van Buren)	21,302
Thos Hutchinson, (abolition)	3,629
Scattering	854

For lieutenant governor 47,974 votes were cast, of which there were for

Waitstill R. Ranney	23,776
Edward D. Barber	21,331
Abrah Sobin	2,891
Scattering	66
For treasurer there were 48,027 votes polled, of which there were for	
John Spaulding	23,942
Daniel Baldwin	21,345
Harish Hale	2,722
Scattering	18
The returns from four towns were rejected on account of illegality.	
None of the candidates voted for having a majority of the whole number of ballots, the joint assembly on Friday proceeded to an election for the officers above named, with the following result:	
For governor—Charles Paine, (whig)	146—elected.
Nathan Stullie, (V. B.)	95
Scattering	13
For lieut. gov.—W. R. Ranney, (whig)	151—elected.
E. D. Barber, (V. B.)	85
Scattering	1
For treasurer—J. Spaulding, (whig)	155—elected.
D. Baldwin, (V. B.)	95
H. Hale	3

THE CROGAN CASE. In the house, on Thursday, the following preamble and resolution were laid on the table:

WHEREAS a violent infringement has been made on the right and sovereignty of this state, by a foreign power, exercising dominion in the neighboring province of Canada, by the seizure and unlawful imprisonment of one of its citizens; with a view of instituting immediate inquiry into the cause of such force and imprisonment.

Resolved by the house of representatives, the senate concurring therein, That a committee of—members of the senate be appointed, whose duty it shall be to inquire into the late violent procedure of the British authorities in the province of Canada, in forcibly seizing within this state, and conveying beyond the jurisdiction of the same, and of the United States, col. James W. Grogan, an American citizen, depriving him of personal liberty, and incarcerating him in a dungeon in Montreal, and that said committee be authorized to send for any person or papers which may aid them in their investigation, and that they make report of their doings as soon as possible.

NEW JERSEY.

THE LEGISLATURE met at Trenton on the 26th. Parties in the senate (council) being equal, they agreed to divide the officers and JOHN CASSADY, (V. B.) was chosen president, and ROBERT E. HORNES, (W.) secretary.

In the house of assembly the whigs elected all their officers by a majority of 11. 13 votes. James E. W. of Burlington, speaker, and SAMUEL PRIOR, of Salem, clerk.

ELECTION RETURNS. There are six counties of the state in which the majorities are so decided that at the late election no regular opposition was made therein—and in the remaining counties there was a falling off of votes from both parties. We subjoin the returns of the contested counties as compared with the presidential vote in 1840.

	1841.		November, 1840.	
	W.hig.	F. B.	W.hig.	F. B.
Middlesex	1,663	1,578	2,114	1,633
Essex	2,942	2,328	4,636	2,832
Gloucester	1,542	1,553	2,338	1,773
Mercer	1,136	1,456	2,022	1,494
Salem	1,347	1,389	1,582	1,302
Passaic	846	899	1,362	962
Hudson	537	394	732	501
Somerset	1,373	1,233	1,721	1,345
Monmouth	2,464	2,350	2,593	2,880
Washington	2,500	2,092	3,117	2,905
Morris	2,195	2,056	2,560	2,150
Cumberland	1,141	1,033	1,497	1,190
	20,056	18,972	26,883	20,517

MARYLAND.

THE MILITARY CONVENTION recently held at Frederick was attended by delegates from forty-two companies in full uniform, making an imposing display.

Major general GEORGE H. STREART, of Baltimore, presided, assisted by ten vice presidents. The Frederick papers contain the proceedings of the convention. One of the resolutions adopted was that an encampment should be held, to commence on the 10th of May next. The place for holding it was a point which required sixteen ballotings to decide—Baltimore finally obtained 26 votes, Frederick had 13 and Washington 16.

VOTE FOR GOVERNOR.

	1841.	1839.		1841.	1839.
JOHNSON, W.	Thos. Op.	Stiles, W.	Grason, F. E.		
Allegany	1,035	1,089	872	958	
Anne Arundel	1,106	1,361	1,361	1,173	
Annapolis	121	112	146	141	
Baltimore city	6,336	7,435	6,191	6,074	
Baltimore county	1,404	2,318	1,477	2,452	
Calvert	436	353	427	344	
Caroline	605	551	553	577	
Carroll	1,444	1,618	1,337	1,646	
Cecil	1,188	1,295	1,251	1,354	
Charles	613	430	715	510	
Dorchester	1,142	816	1,113	850	
Frederick	2,553	2,789	2,532	2,932	
Harford	1,114	1,100	1,118	1,236	
Talbot	683	486	530	544	
Montgomery	909	730	832	742	
Prince George's	835	625	776	684	
Queen Anne's	702	716	641	686	
Somerset	1,134	802	1,042	922	
St. Mary's	1,743	450	794	459	
Washington	2,196	2,346	1,966	2,236	
Worcester	1,294	698	1,207	838	
	28,320	28,959	27,409	27,720	
		28,320		27,409	
Thomas's majority		639	Grason's maj.	311	

LIST OF MEMBERS OF THE HOUSE OF DELEGATES, DE-CEMBER SESSION, 1841.

	Allegany county.		Allegany county.
*William V. Buskirk	William Shaw.		
*John M. Buchanan	Anne Arundel county.		
*James S. Owens	*John S. Sellman		
*Tristram S. Dorsey	*Edward Hammond.		
	Annapolis city.		
John Johnson.	Baltimore county.		
*John C. Legrand	*Francis Gallagher		
*Benjamin C. Prestman	*William M. Starr.		
*John J. Graves	Baltimore county.		
*Joseph Walker	*Marcus R. Hook		
*Thomas C. Ristear	*T. B. W. Randall.		
*Thilip Poultny	Calvert county.		
Uriah Laveille	James S. Morsell, jr.		
Nathaniel Duke	Caroline county.		
John Nichols	William H. Downes.		
Samuel Culbreth, (Ind.)	Cecil county.		
*William Knight	*Amor T. Forward.		
*John Owens	Charles county.		
John Mathews	Peter W. Crane.		
George Brent	Carroll county.		
*Jacob Powder, jr.	*Daniel Stull		
*John B. Boyle	*Francis F. Davis.		
	Dorchester county.		
Joseph Nicolas	Levin Richardson		
William K. Traverser	J. R. Eleeston.		
	Frederick county.		
*J. H. Simmons	*Daniel S. Biser		
*Cornelius Stanley	*James M. Schley.		
*John W. Geyer	Harford county.		
*Samuel Sutton	*Henry H. Johns		
*Thomas Hope	*Charles D. Bouldin.		
	Kent county.		
Rasin M. Gale	Samuel M. Sutton.		
James H. Gale	Montgomery county.		
John W. Darby	John Braddock, jr.		
Thomas Gittings	John C. Gott.		
	Prince George's county.		
J. M. S. Macabubbin	William H. Tuck		
Samuel Hamilton	John H. Bayne.		
	Queen Anne's county.		
*R. H. Carmichael	*Valentine Bryan.		
One tie.	St. Mary's county.		
J. M. S. Causin	James R. Hopewell.		
James D. Sutton	Somerset county.		
Joshua R. Handy	Thomas W. Stone		
John L. Dashiell	Samuel S. Boggs.		
	Talbot county.		
*William B. Willis	*William W. Lowe.		
*George W. Sherwood			

Washington county.				
*Joseph Hollman	Jervis Spencer.			
*Samuel Lyday	Jacob H. Grove.			
Worcester county.				
Little Dennis	James Powell			
Levi Catell	Edwin Forman.			
Those marked with a * are Van Buren men.				
RECAPITULATION.				
1840. 1841.				
Counties.	Whig.	Opposition.	Whig.	Opposition.
Allegany	3	0	1	2
Annapolis city	1	0	1	0
Anne Arundel	4	0	0	4
Baltimore city	0	5	0	5
Baltimore county	0	5	0	5
Calvert	3	0	3	0
Caroline	3	0	3	3
Carroll	0	4	0	4
Cecil	3	0	0	3
Charles	3	0	3	0
Dorchester	4	0	4	0
Frederick	5	0	0	5
Harford	2	2	0	4
Kent	3	0	3	0
Lancaster	4	0	4	0
Prince George's	4	0	4	0
Queen Anne's	3	0	0	2*
Somerset	4	0	4	0
St. Mary's	3	0	3	0
Talbot	0	3	0	3
Washington	4	0	0	4
Worcester	4	0	4	0
60		19	37	41
19				35
Whig majority 41		Opposition majority 6		

GEORGIA.

ELECTION. The Augusta Constitutional has received the returns from all the counties in the state, which exhibit the following results:

McDonald, (Van Buren)	36,599
Dawson, (whig)	32,483

Majority for McDonald

Van Buren gain as compared with the election in October, 1840, 8,216
As compared with the election in November 1840, 8,816
As compared with the election in January 1841, 8,816
The Van Buren majority in the legislature will be 44. The vote is probably as large as was ever polled in Georgia, 70,000, though in nine counties we have only the majorities given. The largest vote ever polled in the state before was at the congressional election last fall, and it then amounted to a little over 75,000.

OHIO.

SLAVE CASE. Two colored men were arrested yesterday by officer Watt on a warrant issued by Justice Hoadley, as runaway slaves, on the complaint of a man from Louisiana. The negroes were committed to jail, and were this forenoon brought before Judges Whitley and Barbour, for examination.—Counsel for the claimant, Messrs. Payne & Wilson and H. Foote. On the part of the colored men, Messrs. Bolton, J. A. Foot, Welles, Strout and Sterling. At the instance of the counsel for the negroes, the examination was postponed for two weeks to enable them to procure testimony from the state of N. York that they were freemen. The black law of Ohio requires that the suspected slave shall give bail in case of the continuance of his examination in the sum of \$1,000 or stand committed. The negroes, unable to give the bail required, were committed to jail.

One of the arrested, an active, light mulatto boy, we learn was decoyed here from Buffalo, for the purpose of preventing his right to a jury trial under the humane laws of New York. The men were employed to decoy the lad may be spoken of hereafter.

[Cleveland Herald, of Sept. 3.]

ILLINOIS.

Tonawca. It will be seen by the annexed articles from the Chicago American, that a new section of country is beginning to be devoted to the cultivation of tobacco;

We congratulate our citizens upon the great accession to our resources just beginning to develop itself. Our traders generally, we presume, are not aware that tobacco was now grown to a considerable extent in northern Illinois. This, we believe, is its second season. The counties of Winnebago and Ogle have the credit of adding tobacco to the other great staples of the northern portion of the state. Large

quantities are raised in and near Bloomington in the former county. Mr. Martin, late of Alabama, now residing about two miles from Rockford, recently cut a leaf from one of his stalks measuring three feet in length by two in breadth. Most of the farmers in the above mentioned counties have engaged in the cultivation of this crop. From two to ten acres is the quantity of land appropriated by those who raise it to its culture. So far it has produced from one thousand five hundred to two thousand five hundred pounds to the acre. The nett profits on each acre are calculated at from seventy to one hundred dollars. Much of the crop raised in these counties has been already harvested and is now drying under sheds, which have been erected for that purpose. With regard to our soil as adapted to its cultivation, both are declared to be as suitable as any portion of the union. It grows luxuriantly as may be readily inferred from the size of the leaf to which we have alluded. Southern men engaged in the cultivation of this tobacco say that our soil and climate are decidedly favorable to its growth. With regard to its quality it may be considered good to say the least. Cigars have already been manufactured from it, and a friend of ours who is both a lover and judge of the weed, says they are superior to the common American article. We anticipate with no small degree of pride, the time when we shall add tobacco to our "Chicago market."

HOME INDUSTRY CONVENTION.

FRIDAY, OCTOBER 15, 1841. We have already given an account of the first days proceedings of this important convention—twelve states and one territory were represented. General James Tallmadge was chosen president, governor Mahlon Dickerson of New Jersey, J. Brewster, of Connecticut, Judge Harwood, of Maryland, and George Field, of Florida, vice presidents, with Loring D. Chapin, of New York, Melvin Copeland, of Connecticut, and L. A. Sikes of New Jersey, secretaries. A committee of business, consisting of one delegate from each state and territory represented, was appointed, consisting of Messrs. C. C. Haven, of New York, Rankin, of New York, Kellogg, of Connecticut, Johnson, of C. Choate, of Michigan, Fisher, of Virginia, Robinson, of Rhode Island, R. H. Smith, of Florida, Giddings, of Ohio, and J. H. Caldwell, of Alabama, of Vermont, Ide, of New Hampshire, and Wethered, of Maryland.

After transacting some further preliminary business, the convention adjourned to 4 o'clock P. M.

FOUR O'CLOCK, P. M. The following resolution proposed by Mr. J. Blunt, of New York, now came up for consideration:

Resolved, That this convention now constitute itself "The Home League, for the promotion of American industry and reciprocal commerce."

Which resolution was considered and adopted. Ex-governor Duley, of North Carolina, Professor George R. L. Allen, of Messrs. Rogers, of Georgia, and Dwight, of Conn. were severally introduced to, and invited to take seats in the convention.

The committee on business, through its chairman, submitted the following resolutions:

Resolved, That whereas the war of 1812, and the policy and legislation of the government of the U. States until 1834, have called to exercise number of and extensive manufacturing establishments and afforded salutary aid to agriculture and mechanical trades. Therefore.

Resolved, That the members of this convention identify they owe to their fellow citizens of the United States, to call public attention to this important subject, and believe that no better method can be adopted to accomplish this object speedily and permanently than by the organization of a society devoted to a unity of American interests and formed of representatives from every state in the union.

Resolved, That the primary object of the Home League will be to digest and recommend a national policy for the promotion of the general interests of agriculture, manufactures, commerce and finance, exercising a continuous influence for the benefit of the union, independent of sectional prejudices, also for the free trade, free from vacillating and temporizing expedients.

Resolved, That in the organization and proceedings of this league, no other influence is contemplated than such as will rest on principles and arguments which may be approved by the people and sanctioned by congressional enactments.

Resolved, That the moral, political and mental, is conservative of virtue and the origin of wealth; its interests should, therefore, be the prime object of legislation, while capital is competent to its own protection in the strife of interests and needs little else than to be secured to its proprietors. No nation can

be great or prosperous where labor is either dishonorable, or wasted for want of objects upon which it can be bestowed, or meets with no adequate reward.

Resolved, That no independent nation should tolerate any other than a reciprocal commerce; but to receive the surplus products of nations which refuse ours in exchange is only another name for vassalage. *Resolved*, That a policy which favors the augmentation of our exports, encourages home labor in all its branches, according to the direction our citizens may prefer to give it, and regulates or restricts importations, so as to prevent, as much as possible, the balance of trade being against us, is best calculated to secure a stable revenue to the government, and promote the whole interests of the country.

Resolved, That the establishment and preservation of a sound currency can only be promoted by a steady security to domestic industry, and any system of currency not secured from violent change is liable to paralyze industry, prostrate trade and confidence, and subject the country to revolutions imminently dangerous to our welfare.

Resolved, That the selfish, unjust and uncompromising policy of foreign governments, the more offensive by their professions of free trade, whilst taxing our leading exports with restrictions equivalent to prohibition, demands an immediate and permanent rebuke from the American people, and that a Home League upon the true principles of reciprocal commerce with foreign states and protection to our home industry, is the only consistent means of our mercantile and financial prosperity.

Resolved, That as England is now agitated with the project of modifying her exclusive policy, and Prussia by her North German league has secured the independence of her home manufactures without injury, but by her professions of free trade, whilst taxing our leading exports with restrictions equivalent to prohibition, demands an immediate and permanent rebuke from the American people, and that a Home League upon the true principles of reciprocal commerce with foreign states and protection to our home industry, is the only consistent means of our mercantile and financial prosperity.

Resolved, That the existing laws in regard to the revenue and the present tariff are not only defective in themselves, as well as in the mode of collecting the duties, but by the effect of the compromise act of 1834, have so impeded the progress of commerce, that act coming into operation in July next will, by a change of valuation on imports, varying in different sections of the country, not only be unjust, if not unconstitutional, but by encouraging frauds and neglecting countervailing restrictions will sacrifice the home and foreign industry and pecuniary resources of the country.

Resolved, That in any adjustment of the tariff for the purposes of revenue, due regard should be had to the protection of such articles as may render every portion of the country competent to supply its own wants from home resources in time of war as well as peace.

Resolved, That if a revenue for the economical support of government is to be the measure of protective favor to our manufacturers and mechanics, justice as well as policy demands that such a scale of duties be imposed as will foster an increased consumption of imported raw materials, and labor, when by a higher scale, producing an equal revenue, our own industry may be aided without injury to any home interest.

Resolved, That the adequate protection of the mechanical and manufacturing departments does not conflict with, but does materially aid the agricultural and commercial industry of the country.

Resolved, That a committee of finance of one member from each state be appointed to collect and disburse the amount necessary to meet the expenses of this convention.

Resolved, That a committee be appointed to draft an address to the public from this convention.

Which were read, discussed and adopted. The convention was addressed by Messrs. Stone, Simpson and Haven of N. Y.; J. Brewster, Dwight, Kennedy, Dright and Copeland of Conn.; and Fisher of Va. Willard of Tenn. and Aldis of Wis.

Adjourned to 11 o'clock to-morrow morning.

SATURDAY, OCT. 16. Mr. Blunt, from the committee on the organization of the Home League, reported the plan of a constitution, which, after some discussion and modification, was adopted, as follows:

Whereas, The agricultural, commercial, manufacturing and financial interests of the people of the United States are materially promoted by the accumulation and diffusion of facts in relation to them, by means of an association extending through and embracing all classes and departments of society therefore, the undersigned do adopt as follows:

*A tie for the third member.

CONSTITUTION.

Article 1st. This association shall be denominated "the Home League for the protection of American labor, and the promotion of reciprocal commerce."

Art. 2. Any person subscribing to this constitution and paying into its treasury the sum of one dollar annually, or at any one time the sum of five dollars, shall be a member of this league, and entitled to all its rights and privileges.

Art. 3. The officers of the league shall be a president and four vice presidents, a corresponding and recording secretary, a treasurer, and a central committee of twelve, to be chosen annually by the members as directed in the by-laws, and the presidents of the state branches shall be ex-officio vice presidents of the Home League.

Art. 4. In each state the league shall form a central association to promote the objects of the league, with auxiliary branches in the principal towns and counties, and at each annual meeting delegates are to be appointed to attend at the annual meeting of the Home League.

Art. 5. The stated annual meeting of the association shall be in the city of New York during the fair of the American Institute, when its officers and central committee shall be chosen by a majority of votes present.

Art. 6. By-laws for the government of the league shall be enacted by the respective associations for their own government.

On motion, the following gentlemen were appointed a committee to prepare an address to the people of the United States, viz: Rufus B. Haven, of New Jersey, of New York, and W. B. Kinney, of New Jersey.

On motion of Mr. Haven, the president of the convention was added.

Messrs. White, of Tennessee, Simpson, of New York, and Hubbard, of Connecticut, severally offered resolutions, which were debated, approved and referred to the committee on an address.

A committee of finance was appointed.

A resolution was passed, requesting the public journals of this city and the whole country to publish the proceedings of this convention.

On motion, adjourned *sine die*. [W. V. Trihune.

ABOLITION OF SLAVERY.

Our practice is to Register the leading speeches upon the principal topics of discussion in congress, so as to afford a fair view of both sides, whatever the question may be. Upon the question for rejecting petitions for the abolition of slavery, so warmly debated during the session of 1840, we selected and published the speech of WILLIAM COST JOHNSON, esq. of Maryland, on the one side, fully intending to follow it with the speech of WILLIAM SLADE, esq. of Vermont, on the opposite side of the question—but the immense length of the latter speech occasioned us to postpone it from time to time, in order to give place to matter of immediate interest that continued to crowd upon our files, still expecting that we should shortly have more room. The presidential election and the political movement of the contending parties occupied almost the whole period from the termination of that session of congress until the next session caught us; and, that was hardly disposed of before the extra session arrived—and now another regular session is on our heels. We are constrained to top off some pages of both the commencement and conclusion of Mr. Slade's speech, not being so immediately relevant to the question in hand, in order to enable us to get it into the Register. By thus pruning we shall be enabled to register this speech in the present and next numbers.

SPEECH OF HON. WILLIAM SLADE,

In house of representatives, 18th and 20th January, 1840.
POWER OF CONGRESS TO ABOLISH SLAVERY AND THE SLAVE TRADE IN THE DISTRICT OF COLUMBIA.

I come now, Mr. SPEAKER, to a grave and important question, namely, that of the constitutional power of congress to abolish slavery and the slave trade in the District of Columbia. The right to adopt the rule before us, and thereby reject all petitions and other papers touching that subject, is claimed on the ground that no such power exists. I have asserted that it does exist, and I will now proceed to prove it.

All power over this subject is derived from the grant of power in the constitution, which declares (sec. 8, art. 1) that "congress shall have power to

exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square) as may, by cession or purchase, be acquired by the acceptance of congress, become the seat of the government of the United States."

What is the extent of the power of legislation here granted?

At the first place, it is "exclusive." There is no other constitutional jurisdiction. To the full extent of its power of legislation, whatever it may be, congress excludes all other legislation; so that the states to whose jurisdiction the territory forming the District originally belonged, have no more power to extend their legislation to it, than to the states of Georgia or Maryland.

In the next place, it extends to "all cases whatsoever." No effort to find language granting all possible power of legislation, could have selected terms more comprehensive than these. "All cases whatsoever"—embracing, of course, a range of objects as wide and a power of action as extensive, narrow and extended as fall within the competency of any legislature.

And this extent of the power of its legislation is in perfect accordance with the exclusiveness of the jurisdiction of congress over the territory. All other legislative and political authority being excluded, there arises an obvious necessity that that of congress should be complete; otherwise the people of the District would be left without a legislature, to the necessary and indispensable purposes of government.

But further. Look at the sweeping language of the grant of power to legislate for this District, in contrast with the specific grants of power to legislate for the country generally. In regard to the latter, this government is one of specifically granted powers. Thus, for example, in the first sixteen clauses of the 8th section of the 1st article of the constitution, it authorizes congress to do many other things, to regulate commerce, to coin money, to establish post offices and post roads, to declare war, to raise and support armies, and to provide and maintain a navy, &c. All the powers (including, of course, the power to pass laws necessary and proper for carrying these powers into execution) not specifically granted were reserved to the states, or to the people.

Now, why was the language changed in the 17th clause of the 8th article, from the specification, as in the previous sixteen clauses, of particular cases in which congress might legislate, to the general grant of power to legislate in all cases whatsoever? Why did not the 17th clause also specify the particular cases in which congress might legislate for the District? No other answer can be given to this question than that it was intended to grant all legislative power—to make no exception to the power, and to leave no control, either of the people of the District, or of any other power; so that the great design of setting apart a separate District for the seat of the government of the United States might be fully answered—namely, that of having it subject to the jurisdiction and control of no other power.

But again: If the power of congress to legislate for the District is limited, who is to determine what the limitation shall be? Why exclude the subject of slavery rather than any other subject? If "all cases whatsoever" mean only some cases, who is to determine what those some cases are? One may exclude slavery, another the subject of coinage—another the prohibition of lotteries—another the suppression of duelling—another of gambling, and another the power to punish crimes. Which is right? Who shall determine? Who can determine?

Mr. SPEAKER, if we leave the plain intelligible meaning of the power in question, and resort to implication, we leave a solid rock for the trembling quakesand, which will sink beneath us.

But do any still doubt with regard to the completeness of the power of congress over this District? If any reasoning has failed to convince them, let me call their attention to the exposition given to this clause of the constitution by distinguished men at the time of its adoption.

Mr. Madison has been justly styled the father of the constitution. In the forty-third number of the *Federalist*, speaking of the clause in question, he said:

"The indispensable necessity of complete authority at the seat of government carries its own evidence with it. It is a power exercised by every legislature of the union—I might say, of the world—by virtue of its general supremacy."

"Complete" was the simple, significant, comprehensive term used by Mr. Madison to express his idea of the power.

Let me next turn to the debates in the Virginia convention, during its deliberations upon the adoption of the constitution. Virginia authority, I think, must be good here on this subject. On looking into

these debates, I find that the clause of the constitution now in question was objected to by several leading members of the convention, expressly on the ground of the unlimited extent of the power which it conferred on congress. Mr. Grayson said that "after mature deliberation, he could not find that the ten miles square was to be looked upon even as part of a state; but to be totally independent of all, and subject to the power of legislation of congress." Mr. Mason said "this clause gives an unlimited authority, in every possible case, within the District." Patrick Henry called it "unlimited, unbounded authority."

Mr. Madison, who participated in the debate, admitted the correctness of the construction to which I have referred, by replying to the argument against the adoption of the constitution, thus drawn from the "unlimited, unbounded authority" which it conferred—that "there must be a particular security by particular states, of the District to congress; and the states may be the cause of the session," and "may make what stipulation they please in it."

I have thus shown—from the express language of the constitution—from the necessary exclusiveness of the jurisdiction of congress—from the language of the grant of power in this case, in contrast with the grants of power by men to men, from the absence of everything from the constitution which can enable us to determine what exercise of legislative power, if any, shall be excepted from the grant in question—and from contemporaneous construction—that congress possess that constitutional power to abolish both slavery and the slave trade in the District of Columbia.

And now, Mr. Speaker, let me show you what construction has since been put upon this grant by congress, by committees of congress, by members of congress from slaveholding states, by the people of the United States, and by men now occupying the highest stations in this government.

On the 1st of March, 1816, the house of representatives, on motion of Mr. Randolph, of Virginia, passed the following resolution:

"Resolved, That a committee be appointed to inquire into the conduct of an inhuman and illegal traffic in slaves, carried on in and through the District of Columbia, and to report whether any, and what measures are necessary for putting a stop to the same."

This resolution, it will be observed, did not contemplate the mere regulating of the slave trade, but the abolition of the whole traffic in slaves, and the restriction of congress which the resolution contemplated did not involve the whole question in slavery here—the power to abolish the slave trade manifestly including the power to abolish slavery.

The committee appointed under this resolution were Messrs. Randolph and Kerr, of Virginia, Mayratt, of S. Carolina, Goldsborough, of Maryland, and Hopkinson, of Pennsylvania. This committee, four of whom were from slaveholding states manifested their concurrence with the house in its acknowledgment of the power of congress over the subject of slavery by asking for authority to send for persons and papers, which the house granted.

The committee on the 30th of April, reported sundry depositions taken by them, which were ordered to lie on the table. And here terminated the whole proceeding! Altho' Mr. Randolph, on offering the report, deposed that he had been authorized by the committee and declared that "if the business was declined by the house he would undertake it himself, and ferret out of their holes and corners the villains who carried it on," yet "the business" was never prosecuted beyond the taking and reporting of the depositions; for, by depositions, by the way, are not now to be found on the files of this house.

The zeal of Mr. Randolph and of the committee appears to have suddenly evaporated! They discovered that they were attacking the "patriarchal institution," and shaking what has since been called "the cornerstone of our republican edifice"—and desisted! But they showed, and the house showed, that they considered the power of congress over the subject of slavery here to be as complete as over any other subject.

On the 11th of January, 1827, the committee for the District of Columbia, by their chairman, Mr. Powell, of Virginia, made a report to the house: "The congress of the United States, by its constitution, exclusive jurisdiction over this District; and has the power upon this subject, (the imprisonment of free negroes as runaways and their sale into slavery), as upon all other subjects of legislation to exercise its power." The word "exclusive" was the very word used by Patrick Henry in the Virginia convention, to express his idea of the extent of the power.

I come now to a still more distinct recognition of the power for which I contend.

On the 9th of January, 1829, the house of representatives, on motion of Mr. Miner, of Pennsylvania, adopted the following resolution:

"Resolved, That the committee for the District of Columbia be instructed to inquire into the expediency of providing, by law, for the gradual abolition of slavery within the District, in such manner that the interest of no individual shall be injured thereby."

This resolution was passed by a vote of 114 to 66; and it is worthy of remark that, of those who voted in the affirmative, eleven were from the slave states, viz: one from Delaware, two from Maryland, three from Virginia, one from North Carolina, one from Tennessee, and three from Kentucky.

On the 29th of January the committee for the District of Columbia reported a bill providing, among other things, that no slave should be imported into the District; and that, upon such importation, the slave should be free, on leaving the District within thirty days. The committee of seven who then recognized the power of congress over the subject of slavery here, there were four from slave states, viz: two from Virginia and two from Maryland.

It further appears that, on the 20th of April, 1830, a similar bill was reported by Mr. Washington, of Maryland, chairman of the committee for the District of Columbia.

In April, 1836, Mr. Pinckney, of South Carolina, chairman of a committee on abolition, reported the following resolutions:

"Resolved, That congress possess no constitutional authority to interfere in any way, with the institution of slavery in any of the states of this confederacy."

"Resolved, That congress ought not to interfere, in any way, with slavery in the District of Columbia."

Here, again, the power to legislate on the subject of slavery here is clearly admitted, by the marked difference in the phraseology of the two resolutions; the first expressly declaring that congress have no constitutional power to interfere with slavery in the states, while the second merely declares that congress ought not to interfere in this District—omitting all reference to the constitution.

In accordance with these proceedings, which show the recognition, by the house of representatives and its committees, of the power in question, is the presentation, by members of congress from the slave states, of abolition memorials, viz:

By Mr. Chesnut, of Tennessee, January 14, 1822, from citizens of that state for the gradual abolition of slavery in the District of Columbia.

By Mr. Saunders, of North Carolina, December 13, 1824, from citizens of that state, praying for the gradual abolition of slavery in the United States.

By Mr. Barney, of Maryland, on the 11th of February, 1828, from citizens of Baltimore, for the abolition of slavery in the District of Columbia.

By Mr. A. H. Shepperd, of North Carolina, March 30, 1828, from citizens of that state, praying congress to take measures for the entire abolition of slavery in the District of Columbia; and

By Mr. Washington, of Maryland, March 5, 1830, from inhabitants of the county of Frederick, in that state, for the same object.

To these expressions of opinion by individual members of congress from slave states, I add that of Alexander Smyth, of Virginia, in the debate on the Missouri question, in January, 1820, in which he said:

"If the future freedom of the black is your real object, and not a mere pretence, why do you not begin here? Within ten miles square you have undoubted power to exercise exclusive legislation."

Foolish a tale to emancipate the slaves in the District of Columbia, if you prefer it, to emancipate those born hereafter."

From these recognitions of the power in question, I turn to admission of the power by the people of this District.

In the year 1802, the grand jury of the county of Alexandria made a formal presentation to the grand jury of the county of the slave trade as a "grievance." Having described the trade with its horrible and heart-rending atrocities, they say: "We consider these grievances demanding legislative redress."

Let us stop a moment to consider the language of this presentation—"grievance." We have been told that slavery and the slave trade are no grievances, whose redress can be prayed for, because congress have no power over the subject. Not so thought the grand jury of Alexandria. And then, again, we are told that slavery and the slave trade are no grievances to the people of the north, because their interests are not affected by them. How are the interests of the grand jurors of Alexandria affected by what they presented as a grievance? It did not take away their property. It did not destroy their health, or endanger their lives. But it outraged their feelings,

and therefore it was a "grievance." It outrages the feelings of any constituents; and therefore it is a grievance to legislate over. It is an outrage to the authority of the laws of congress, for which they share a responsibility; and therefore they ask for their relief.

But I have in my hand a still stronger expression on the subject from this District. It is a memorial presented to legislate over the slave trade and the slave trade here, signed by more than seven hundred citizens of the District, presented to congress in 1828—among the signers of which were chief justice Cranch, Judge Morsell and Gen. Van Ness, besides a large number of others of the most intelligent and respectable of the inhabitants of the District. And now, sir, listen to the expression of their opinion upon the power of congress.

After describing in glowing language the horrors of the slave trade here, comparing it with the foreign slave trade, denounced and punished as piracy, and speaking of the reproach of inconsistency cast upon the free institutions established among us, they say:

"We behold these scenes continually taking place among us, and lament our inability to prevent them. The people of this District, have within themselves, the power to legislate over the subject, and we therefore appeal to your honorable body, as the only one invested by the American constitution with the power to relieve us."

Two years after the presentation of this memorial, viz: January, 1830, the grand jury of the county of Fairfax expressed their conviction of the power of congress over this subject, in a communication addressed to the chairman of the committee for the District of Columbia, in which they gave an appalling description of the slave trade, and declared that "the inhuman practice is so shocking to the moral sense of the community, as to call loudly for the interposition of congress."

Let me present you, Mr. Speaker, with the additional testimony of two distinguished men, and I shall have done with the question of constitutional power. I refer to the declarations of the two highest officers of this government.

In the United States senate, on the 1st of February, 1820, in the debate on the Missouri question, Richard M. Johnson, of Kentucky, said:

"In the District of Columbia, containing a population of 30,000 souls and probably as many slaves as the whole territory of Missouri, the power of congress for their emancipation rests with congress alone. Why, then, this heart-rending sympathy for the slaves of Missouri, and this cold insensibility, this eternal apathy towards the slaves in the District of Columbia?"

And now, I give you the testimony of the present chief magistrate of the United States, when no one will suspect of a want of inclination to please the south by denying the constitutional power of congress over this subject, if it were possible to find even plausible reasons for such a denial. In a letter to a plausible member of gentlemen in North Carolina, of the 6th of March, 1836, Mr. Van Buren said:

"I would not, from the lights now before me, feel myself safe in pronouncing that congress does not possess the power of abolishing slavery in the District of Columbia."

This was Mr. Van Buren's way of affirming the power of congress to abolish slavery here.

Is the abolition of slavery within the competency of legislation?

Having thus shown that the language of the grant of power to legislate for this District, necessarily, in the absence of express limitation extends to every possible "case" of legislation, and that this is in accordance with the construction and modern practice, I come to consider some objections which are urged against the exercise of the power.

It is said that it is not competent for legislative power to abolish slavery; and that, inasmuch as the grant of power to congress must necessarily be limited to the "cases" within the competency of legislation, therefore the "case" of the slave trade and the institution, cannot be taken to embrace the "case" of slavery.

No legislative power is, I admit, competent to do every thing. It cannot, for example act, by law, upon the consciences or the faith of men. It cannot compel obedience to the commission of crime. It cannot enact that a husband shall not protect his wives, or that parents shall not provide for their children, or that female chastity shall be exposed to violation; and so of many other cases I might specify. It cannot pass such laws for the very same reason that it could not rightfully pass the laws by which slaves are held here and forbade every reason why it is bound to repeal them, namely, because such laws are contrary to the great law of nature, which no human legislation may violate.

But what is it to abolish slavery? Slavery, it should be remembered, is the mere creature of statute, or positive law. It is unknown to the common law. "It is" (said Lord Mansfield, near seventy years ago, in the celebrated case of the negro Somerset, which every lawyer has, of course read)—"It is so odious that nothing can be suffered to support it but positive law." What is it, then, to abolish slavery? It is simply to repeal the positive laws which sustain it. Lord Mansfield, backed by the key of unjust legislation, and permit the slave to walk forth, and breathe the pure, invigorating atmosphere of the common law. It is to restore to its just efficacy the great fundamental law of *natural justice*, on which the common law is founded—a law written on every man's conscience and in every man's heart.

This congress is called on to do by the petitions which we are now contriving means summarily to reject. It is by the statute laws of the United States, and by them alone, that men are made slaves in this District. The congress of the United States have passed laws repealing the law of eternal justice; and the petitioners ask us to repeal the repealing laws, and restore the law repealed to its full force and efficacy. They ask us to remove the crushing weight we have placed upon the soul and body of the slave, and permit him to rise up and walk. They ask this in the name of the law, and we have no power to deny them. We have no power to grant their request? Had we power to enact these laws? Where did we get it? If the constitution gave it—which I deny—does it not give us power to repeal them? Have we power to pass a law making men the property of their fellow men, and have we no power to pass a law restoring to them the ownership of themselves?

Will any one talk of *vested rights* which she should thereby violate? I deny that there are, or ever can be, in justice, any vested rights in such a case. It has been said by a great statesman that "that is property which the law makes property." If by this proposition is meant that what the law makes property is property according to law, I do not, of course, deny it. This would be merely saying that law is law. But if it is intended to affirm that what the law makes property is *rightfully and justly* property, then I deny it utterly. The law may make the declaration; and the power of the state may enforce it; but property in this way, necessarily, *submits*; but, after all, it will be the property of the law, not of right; unless, according to the philosophy of the infidel Hobbes, "the sole foundation of right and wrong is the civil law." That is the philosophy for slavery; but not for the freedom which finds the rule of right and wrong in a higher law than that of the state.

Let me test this proposition to which I have referred by an example. Suppose we enact a law declaring that the first red man from the western wilds who may chance to fall within your power shall be your property. Would our law make him property?—Would not the voice of nature and the voice of this nation unite in thundering an indignant no to such an inquiry?

Whence is derived the original idea of property?—It is not the creature of statute law. There are no statutes declaring that lands and houses, and cattle, and the productions of human skill and industry, shall be property. There are statute laws regulating their alienation and descent, but none declaring that they may be the property of any man. We have no law for the best of reasons. There is a law older than all human laws, and above all human laws, which has settled the matter. It is the law of nature; which is nothing more or less than the will of the great original Proprietor. That Proprietor never stamped on man the quality of property. He never authorized one man to own another man; nor did He ever authorize a legislature to make a law giving such ownership. Ownership in man? You may as well talk of owning the stars or the sun. No man was made to be the owner of himself. Every quality of his no nature, and every aspiration of his undying spirit, proclaim it.

Having shown that the abolition of slavery is, upon the principles of natural justice, within the competency of legislation, let me now advert, briefly, to the history of abolition, to show how extensively these principles have been acted on. It may surprise those who habitually regard abolition as the mere fungus of moon-struck fanaticism, to find that the next text to which its "abstractions," as they are called in derision, have been actually made the basis of legislation. I hold in my hand the 5th number of the "Anti-Slavery Examiner," in which I find the following very brief summary of the history of abolition, which I beg pardon for not reciting.

"The abolition decree of the great council of England was passed in 1102. The memorable Irish de-

ence, that all English slaves in the whole of Ireland be immediately emancipated and restored to their former liberty, was issued in 1717. Slavery in England was abolished by a general charter of emancipation in 1381. Passing over many instances of the abolition of slavery by law, both during the middle ages and since the reformation, we find them multiplying as we approach our own times. In 1776, slavery was abolished in Pennsylvania. In 1783, in New York, Dominga, Cayenne, Guadaloupe and Martinique, in 1784, where more than 600,000 slaves were emancipated by the French government. In Java, 1811; in Ceylon, 1815; in Buenos Ayres, 1816; in St. Helena, 1819; in Colombia, 1821; by the congress of Chili in 1822; Cape Colony, 1823; in Haiti, 1825; in the southern provinces of Birmah, 1826; in Bolivia, 1826; in Peru, Guatemala and Montevideo, 1828; in Jamaica, Barbadoes, the Bermudas, the Bahamas, Anguilla, Mauritius, St. Christopher's, Nevis, the Virgin Islands, (British), Antigua, Montserrat, St. Vincent's, Grenada, Barbice, Trinidad, St. Lucia, St. Kitts, Honduras, Demerara, Essequibo, and the Cape of Good Hope, on the 1st of August, 1834. But, waving details, suffice it to say, that England, France, Spain, Portugal, Denmark, Russia, Austria, Prussia and Germany, have all, and often, given their sanction to the complete exercise of the legislative power to abolish slavery.

In our own country, the legislature passed an act of abolition in 1780, Connecticut in 1784, Rhode Island in 1784, New York in 1799, New Jersey in 1804, Vermont by constitution in 1777, Massachusetts in 1780, and New Hampshire in 1781. Here, sir, are the abstractations of abolition, embodied in the legislation of Europe and America during the last five hundred years; and yet we are told that legislative power is incompetent to the abolition of slavery!

To the evidence thus furnished of the recognition of the complete exercise of legislative power to abolish slavery, by its actual abolition, I may add the omission of it clearly implied in the constitutions of five of the slaveholding states of this union—namely, those of Georgia, Alabama, Mississippi, Kentucky and Arkansas—all of which expressly prohibit the legislatures of those states from passing laws for emancipating slaves without the consent of their owners—thereby admitting, that, without such prohibition, the power to pass such laws would exist.

To all this I might add the authority of numerous distinguished names from among slaveholding states, among the first of which are the names of Henry and Martin of Maryland, and Washington, Jefferson, Madison, Henry, Pendleton, Mason, Wythe, Lee and St. George Tucker, of Virginia. I shall refer more fully to the declarations of some of them hereafter, for another purpose. I will only here say, that General Washington repeatedly declared that the abolition of slavery ought to be effected "by legislative authority," and that "at a period not remote."

But I have further authority on this point, in the action of this government itself, to which I desire now to call your attention, and in which you will find the authority of abolition repeatedly and expressly asserted, which it is much less clearly authorised than it is in the case before us.

The abolition of the slave trade, no one will deny, involves the great principle of the right to abolish slavery. That trade on the high seas, in American vessels, congress has abolished. And congress has also authorised the commanders of its armed vessels to capture the slave ship, take from its owner his cargo of men, and bring in his vessel for condemnation, and himself for trial as a pirate.

Now, by what authority has congress thus interfered to wrest from the owners of the United States money bought with their money? By what authority has it interfered with "vested rights?" By what authority does it thus take "private property?" Does the constitution say that congress may legislate in "all cases whatsoever" touching the African slave trade? No. It simply declares that "the congress shall have power to regulate commerce with foreign nations." It is upon the foundation of this "simple grant of power, that congress has reared its structure of slave-trade-prohibiting legislation, and has brought up, for the top-stone of the noble edifice, the punishment of DEATH.

But further. Congress, by an act passed on the 7th of April, 1798, prohibited, under a heavy penalty, the importation of slaves from any place without the limits of the United States, into the territory of Mississippi; and declared that, upon such importation, such slaves should be free. It also, on the 26th of March, 1803, enacted the prohibition of the importation of slaves into the territory of Orleans, with a similar provision for their freedom.

By what authority were these abolition acts passed? Simply in virtue of that clause of the constitution which declares that "the congress shall have power to dispose of, and make all needful rules and

regulations respecting the territory or other property belonging to the United States."—A power by no means as clearly reaching the "case" of abolition, as that of legislating "in all cases whatsoever" within and for the "ten miles square." Let it not be said that the prohibitions to which I have just alluded were enacted under the authority of that clause of the constitution which I have just referred to. The abolition of the foreign slave trade, since the authority derived from that clause, to prohibit the importation of slaves, was prohibited to be exercised prior to the year 1808; while these acts prohibiting their importation into the territories of Mississippi and Orleans were passed in 1798 and 1803.

But there is a still more striking illustration of the pushing of legislation to "the verge" of constitutional power in favor of human liberty, in the celebrated ordinance of 1787, "for the government of the territory of the United States northwest of the river Ohio." The sixth of the articles of compact of that ordinance declares that "there shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes."—This article not only prohibited the future introduction of slaves into the northwestern territory, but in effect prohibited the slavery which then existed there. This is sufficiently obvious from the terms of the ordinance. And such is the effect which has been given to it by judicial decision. I refer to the case of Harvey and others vs. Decker and Hopkins, decided by the supreme court of Mississippi, in the year 1834. It was fully and openly referred to in this case.

This was the case of three slaves who had been taken by Decker from Virginia to the northwestern territory, in 1784, where they remained until after the ordinance of 1787, and until the year 1816. How the case came up for adjudication in Mississippi does not concern us. It was fully and openly referred to in this case, and the court decided that the slaves were emancipated by the ordinance of '87. One of the points made in the case was, that whatever might be the effect of the ordinance, the slaves were emancipated by the constitution of Indiana, adopted in 1816. This was rested on the ground that to give it such an effect would be to violate *vested rights*. The decision of the court on this point, coming from the highest judicial tribunal of a slave state, is worthy of special notice.

"What (say the court) are these vested rights?—What is the nature of the property or of the *liberty of nature*? Slavery is *condemned by reason and the laws of nature*. It exists, and can only exist through municipal regulations; and, in matters of doubt, it is not an unquestioned rule that courts must lean *in favor of liberty*. Admitting it was a doubtful point in the case, it is wholly and openly referred to in this case, in its operation or not, the defendant says, You take from us a vested right arising from municipal law. The petitioners say, you would deprive us of a natural right guaranteed by the ordinance and constitution! How should the court decide, if construction was really to determine it? In favor of liberty."

That the practical effect of the ordinance was to emancipate the slaves within the territory at the time of its adoption, (and that, too, let it be remembered, without compensation), appears from the fact that slaveholders in that territory paid no attention to that part of the ordinance touching the subject of slavery, upon the ground that it *had* such an effect. I refer to the memorial of "the inhabitants of the counties of St. Clair and Randolph," Illinois, presented to congress on the 13th of January, 1796. It is an interesting document, embodying as it does the arguments now urged, and always urged, against the emancipation of slaves without the consent of their owners; and showing the tenacity with which slavery clings to its wrongful possessions. Let me state the substance of it.

The memorialists declared that the ordinance to be construed to fundamendal principle in all free countries, "that no *ex post facto* law should ever be made." They stated that they were, at the date of the ordinance, possessed of a number of slaves, which the sixth article "seemed to deprive them of, without their consent or knowledge." They said that "the effect of that article was to deprive them, not only of the slaves held by them at its date, but—what was a great grievance!—of the children of those slaves born after that date; their right to whom they affirmed—and, as if that, with great truth!—to be as indefeasible as their right to the parent." They said that they were, at the date of the ordinance, as respected them, the ordinance was altogether *ex parte*; and that if they had been consulted, they would never have made a compact depriving them of their most valuable property.

Such was the ordinance of 1787—an ordinance passed unanimously, with the exception of a single vote. It is worthy of remark that, although this or-

dinance was drawn by a distinguished member from Massachusetts, (Mr. Dane), yet the idea of abolishing slavery in the northwestern territory was originally brought on by Mr. Jefferson, having been suggested by him in 1784, in his report, as chairman of a committee of congress, of a plan for the government of the territory.

And now, by what authority did the congress of '87 thus abolish slavery in the northwestern territory? Was there any power to do it conferred by the articles of confederation which will at all compare with the authority given to congress in the present constitution to abolish slavery here? None will pretend it. And yet the ordinance was passed, and slavery abolished—so strong was the anti-slavery feeling at that day—so ready were the men of the revolution to strain authority to the very utmost, for the purpose of banishing slavery from the land which freedom's blood had been profusely poured out to redeem from oppression's power.

Objection—property cannot be taken without process of law, nor without compensation.

But it is said that the power to legislate "in all cases whatsoever," is restrained from abolishing slavery, by the fifth of the amendments to the constitution, which declares that "no person shall be deprived of life, liberty or property, without due process of law." My reply to this is, that the term "property," as used in the amendment, cannot be there taken to mean slaves, because the constitution itself calls them *persons*, and not as such. They are described in the 23d section of the 4th article, as "*persons held to service or labor*;" and in the 2d section of the 1st article, which provides for their being represented in this body, they are spoken of as "all other persons." If, then, it had been intended to prohibit the taking of slaves "without due process of law," the amendment should have so described them. The constitution must be made its own interpreter; and it calls them "*persons*." No mere intendment, therefore, can include them within the meaning of the term "*property*."

If it be said that this construction would not make the constitution prohibit individuals from depriving slaveholders of their slaves without process of law. I admit it. The guaranty extending, for the reason mentioned, in no wise to slaves, their "owners" are, of course, left to their rights as existing independent of the guaranty.

But I have another member from Georgia (Mr. Cooper) refers to that clause of the amendment which prohibits the "taking of private property for public use without just compensation," and finds in that an argument against abolishing slavery. "Is it pretended (says he) that this government has a 'public use' for this property?" Sir, I admit that abolition does not take for "public use." But at the same time maintain that it does not take at all, within the meaning of the constitution. It performs a nobler work than taking slaves for public use. It takes off from them the crushing weight of laws which consign them, without other consideration, to the hands of their stores them to the use of themselves. This is abolition.

But I have another reply to the argument drawn from the amendment to the constitution referred to. It is, that the government of the United States has always refused to recognize slaves as "property" for which "compensation" might be claimed under the constitution. In numerous cases in which they were taken into the service by their masters as waiters, and killed in the service, has congress refused compensation, though it has uniformly made it for horses and other property employed by the enemy while employed in such service.

But what is more directly to the point now before us, congress has, in passing laws providing compensation for property *impressed* into the service—"taken for public use"—expressly refused to include slaves. Thus, when the act of the 9th of April, 1816, authorizing the payment for property lost, captured or destroyed by the enemy, while in the military service of the United States, was under discussion, Mr. Maynard, of South Carolina, moved to amend the section which provided payment for impressed horses, carts, &c. &c. so as to include slaves. The amendment was negatived by a large majority. A similar motion was made by Mr. Maynard, in 1825, to amend the bill authorising further payment to sufferers during the war, and with a similar result.

In addition to all this, the house of representatives repeatedly refused, upon the most pressing and urgent applications of Francis Pickens, to make compensation for his *lost, injured, and killed* slaves at New Orleans, in the winter of 1814-15, and killed

in the service. A report of the committee of claims in this case may be found in the third volume of Reports of Committees, 1st session, 21st congress, No. 40; in which numerous cases of rejected applications for compensation for slaves killed in the service are referred to.

Consent of the people of the District.

It is, in the next place, said that congress may not abolish slavery here without the consent of the people of the District. This objection has received the sanction of my venerable friend from Massachusetts (Mr. Adams), in an address to the people of the District, since the last session of congress, and deserves, for that reason, if for no other, to be well considered. I understand the venerable member to have placed this objection on the ground that it is against the great leading principle of our institutions—that of self-government—that the people should be consulted in legislation, without their consent. I admit the correctness of the principle, but deny that it sustains the objection. It will not certainly be claimed that the consent must, in all cases, be expressed. There are very few now on the stage, who expressly assented to the constitution when it was adopted; and it is not probable that they would have done the virtue of an assent, implied. And is not the assent of the people of this District to our legislation implied, upon the same principles? When the territory composing this District was a part of Virginia and Maryland, the assent of its inhabitants to that constitution which gave us congress to exercise exclusive legislation in all cases whatsoever, was, in effect, given by the adoption of that constitution by Virginia and Maryland; and the present inhabitants of the District are bound to submit to that legislation upon precisely the same principle that obliges any of the states to submit to the legislation of congress constitutionally exercised.

If this reasoning be correct, the assent of the people of this District to the constitutional action of congress is implied; and to require that it be expressed asserts a principle which would dissolve the people of the whole country from all obligation to obey the laws either of the states or of the nation. And here it should be borne in mind that the objection does not apply solely to legislation for the abolition of slavery, but that, from its nature, it is applicable to all subjects of legislation affecting the interests of the people of this District. It would be equally applicable to strikes at the whole power of congress supposed to be conferred in the clause of the constitution we have been considering.

But let us see how the principle contended for is to be carried out. How is the new piece of timber to be put into the building which has been so "illegally framed"? There must, first, be a meeting of the assent of the people of the District. How is that assent to be obtained? By what authority? Shall meetings be called? How and by whom? And when they are called, and come to act—upon what principle—by virtue of what organic law shall the decision of the majority bind the minority? Shall they be allowed not to choose to attend? And then, in what form and under what circumstances is the assent to be given? Must the law which we may pass be submitted to the people in their assemblies for their sanction? Or shall they meet beforehand and give congress power to exercise legislation in certain cases or upon certain subjects? And if congress has the power to settle the details of its own action?

Congress has hitherto always proceeded on the ground that its power to act was derived from the constitution. And when the inquiry has arisen, what are we authorised to do? what we learned men have given us no answer to the question to determine the question. But, under the new doctrine, the case is entirely changed; and our wise men must lay aside their spectacles, shut the book of the constitution, and go about to inquire, what power do the people of this District think we have a right to exercise? Or whether we are authorised to exercise the power we used to think we must inquire of the constitution to know what we might do, especially as we were solemnly sworn to support it; but now we must inquire of the people of this District? Who ever heard of such a government as this would be if the doctrine I am contending should prevail? Surely I need say no more to prove what every body must see—that it puts an end to the government of congress over this District, and abolishes the 17th clause of the 8th section of the constitution as completely as some of the "men and women" of the north desire to see slavery and the slave trade abolished.

Implied faith to Virginia and Maryland.

It is further objected to the exercise of our power of abolishing slavery and the slave trade here, that it would be a violation of the "good faith to Virginia and Maryland, implied in the cession and acceptance" by congress of the territory which forms this district.

"Good faith implied in the cession and acceptance." What does this mean? It must mean this: that there was something in the cession and acceptance, or in the circumstances connected with them, that raised a confidence in Virginia and Maryland that the government of the United States would not abolish slavery, or the slave trade in the District—this confidence, from whichever of these sources derived, carrying with it a corresponding pledge on the part of the United States that such action would not take place. Now it is manifest that there could have been no such pledge implied, because there is no abolition slavery, or the slave trade in the District—Congress had no power to make such pledge. It would have been utterly void, if made, because the constitution having given to congress the power to "exercise exclusive legislation in all cases whatsoever" over the District, no congress can, by any act, or resolution, or subsequent consent, to the exercise of that power in some cases only; if it could, it would have the power to alter the constitution by act of legislation.

But, waiving this, let us look into the acts of cession and of acceptance, and see whether any thing can be found from which the supposed confidence could be raised on one side, or the supposed pledge implied on the other.

The acts of cession, one dated December 8, 1789, and the other December 19, 1791, are as follows:

"Be it enacted by the general assembly, That a tract of country not exceeding ten miles square, or any lesser quantity, to be located within the limits of the state, and in any part thereof, as congress may by law direct, be, and the same are hereby, authorized and required to be ceded, sold, or otherwise disposed of the United States, in full and absolute right, and exclusive jurisdiction as well of soil as of persons residing, or to reside, thereon, pursuant to the tenor and effect of the 8th section of the 1st article of the constitution of the government of the United States."

Such were the cessions. "Full and absolute right and exclusive jurisdiction of soil and persons residing or to reside thereon." And that there should be no hesitation on the part of the United States to accept the cessions, on account of any supposed failure to make the grants they contained, co-extensive with the grant of power to congress in the constitution, it was added, "in full and absolute right, and effect of the eighth section of the first article of the constitution of the United States."

The acts of congress accepting these cessions are mere acts of acceptance, containing nothing which has the slightest bearing on the present question.

Now, what is there in these cessions and their acceptance, which could raise in the minds of the people a pledge on the other, that the power to abolish slavery was to become a practical exception from the "exclusive jurisdiction" expressed in the cessions, or from the authority to legislate "in all cases whatsoever," given in the constitution to which they were added? It is not in the face of so plain a grant of all power, excepts, without any language expressing or implying such exception, the important power now in question? Could not the ceding states have incorporated in their acts a proviso that nothing herein contained shall be construed to vest in the United States any right to recognize in any manner, the power to abolish slavery in the ceded territory? And shall they, having failed to make, or attempt to make such stipulation, now claim that it was implied "in the cessions and acceptance of the territory"? This omission to accept the cession of the abolition of slavery is the more significant because there was, in these acts, a reservation really made, namely, that "nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to effect the rights of individuals therein, otherwise than the same shall be transferred by such individuals to the United States."

Now, what was not there connected with this reservation the stipulation I have suggested in favor of slavery? It could not have been for the want of caution in the legislatures of Virginia and Maryland; for there was a very extreme caution exercised in making the reservation as to the soil—since it is quite obvious that, without such reservation, no property of individuals in the soil could have passed to the United States. Nor could the omission have been the effect of an impression that the grant of power by the constitution to congress was not full and complete, so as not to require an express exception to the power of congress to legislate in all cases, subject of the extent of the powers granted to congress over the District had then recently been discussed, as I have shewn, in the Virginia convention, where it had been maintained that the power was "unlimited," extending to "every possible case." It would be absurd to suppose that the reservation, the omission, that, as the constitution had granted to

congress power to legislate "in all cases whatsoever," it would be incompetent for Virginia and Maryland to make the stipulation that it should not legislate in a particular case—since it had been expressly declared in the original constitution, by Mr. Madison, the father of the constitution, "that the ceding states might settle the terms of cession," and "make what stipulation they please in it." Nor could the omission to make the stipulation have resulted from an impression that it was unnecessary to stipulate against the exercise of a power not within the competency of legislation; since the competency of legislative power to abolish slavery was then universally conceded.

Whence, then, the very significant and important omission to settle this question by a stipulation in the acts of session? There can be but one answer to this question, and that is, that the ceding states did not intend to make such a stipulation; they did not, in fact desire to make it. The subject of the power of congress, under the general grant of power to legislate in cases whatsoever, did not escape the attention of the leading men in those states. They knew that by the act of cession they were to give up the territory; that congress was made its exclusive legislature; and that legislative power was then relied on as a legitimate means for abolishing slavery; and yet with their eyes thus wide open, they ceded the ten miles square, and expressly confirmed the ample powers over it granted with all jurisdiction by the constitution, without the slightest attempt to impose any limitation whatever upon the exercise of that power in the abolition of slavery.

While the supposition of an "implied faith" to Virginia and Maryland is thus clearly negatived by the terms of the cession, and the significant omission of any stipulation to them in favor of slavery, there are other considerations which render it manifest that no such limitation can be implied.

What is the ground of the supposed "good faith" to Virginia and Maryland? It is the assumption that the abolition of slavery, and the slave trade here would injuriously affect the interests of those states. But is legislation on the subject of slavery the only legislation which the principle of this objection would reach? Is there, in fact, any legislation capable of affecting the interests of the neighboring states, to which it might be applied? It might it not, for example, be applied to the territory of the neighboring states, the District, or the licensing of lotteries or gaming establishments in it? or our legislation upon the subject of currency here?

Does not the principle of this objection strip us of all power, not only over the subject of slavery, but over every other subject our legislation on which might affect the interests of the states of Virginia and Maryland, and send us, cap in hand, to those states, in the attitude of inquiring what we may do in the exercise of our powers of legislation? Who is willing to take this attitude? Who dreamed at the adoption of the constitution, that the federal government would be thus reduced to the position of asking it?

And, then, the same difficulty would exist in case the people of the District should—as it is contended they must do—give their assent to the action of congress abolishing slavery; for the abolition would be just as injurious to Virginia and Maryland, if effected by congress as if effected by the people of the District, without it. Indeed, the principle of the objection would be just as fatal to the right of the people themselves to abolish slavery here, as to the right of congress to do it. The objection, in fact, places both congress and the people in the same position, in regard to abolition, as are the individual citizens of Virginia and Maryland. It is one of the most unjust and oppressive features of their slave systems, (a feature which marked the cruel and sanguinary systems of *Spartan* slavery), that individuals are prohibited from emancipating their slaves, except upon coalition of the *banishment* of the emancipated, through a *dispensation* may be, and sometimes is, granted by special act of legislation.

The cruel policy which compels the citizens of those states, (where the rights of conscience are carefully guarded in other respects, but flagrantly violated in this) to hold their brethren in bondage, against their private conviction of duty, and the noblest impulses of a generous nature, is thus extended even to the government of the United States; so that although under a conviction of the claims of justice, it might desire to abolish slavery here, and thus cease to stand before the world in the character of a slave state, it is yet prohibited from doing so, going, with the slaveholders of Virginia and Maryland, to the legislatures of those states for the enactment of dispensing statutes.

Such is the humiliating position in which the slave power seeks to place the government of this republic! It is better that we should have the "good faith in the cessions and acceptance" implying the "good faith in the

which is relied on; and that such implication, carried out, would subject congress to an absurd and degrading subservieny to Virginia and Maryland; the question reurs, where shall we find this mysterious "good faith" which is in every body's mouth, but which nobody can define, and nobody seems perfectly to understand.

Mr. Speaker, there never was any such thing as the "implied faith" that is contended for. It did not enter the conceptions of either of the parties when the sessions were made and accepted. Virginia and Maryland *now desire* to limit the action of congress on the subject of slavery. They *then* desired no such thing.

If the objection were placed on the ground of the *present wishes* of Virginia and Maryland, then I save them all the effect to which the desires of those states are fairly entitled; but when they place it on the high and imposing ground of a *breach of implied faith*, my reply to them is, that there is not and never was such implied faith as they contend for, that the change in their minds since 1789 does not change the character of the enactment and acceptance of the cessions; and that they must, therefore, be content to abide by them according to their fair import.

Induced, I go further, and say that the state of public sentiment on the subject of slavery at that period, and the universal expectation then entertained that slavery would, at no distant day, be abolished, not only afford a sufficient basis for a fair and ample compensation, but furnish the strongest ground for an *apologia*. I shall presently, for a more general purpose, produce such evidence of that public sentiment and expectation as will, I trust, satisfy the most incredulous that, instead of objecting to the action of Congress in the purchase of the territory of Florida, Virginia and Maryland were bound, in good faith, long since, to abolish slavery within their own limits; and that their neglect to do so is just ground of complaint on the part of the United States. In no part of the union were there louder and more bitter denunciations of the slave trade and of slavery than in Virginia and Maryland when the territory was ceded and accepted. It was not only universally admitted, as I have shown, that the abolition of slavery was within the competency of legislation, but that it must have been effected, to use Washington's language, "at no distant day." It was so in this territory, that there it must be apparent, all eyes were turned by congress with the expectation well understood by Virginia and Maryland that the District about to be set apart for the seat of government would soon cease to be surrounded by a slave population—a consideration which may well be supposed to have had great weight in inducing the action of congress to locate the seat of government here.

Instead, therefore, of the present agitation of the subject of slavery and the slave trade here being justly to be regarded, (to use the language of Mr. Van Buren to the North Carolina committee), "as a surprise upon the people of Maryland and Virginia," the surprise should be on the other side; and, instead of "being confident, (to use his language), that, if the state of things which now exists had been apprehended by these states, the cession of the District would not have been made," so to speak, consider the state of things and expectation in regard to slavery at that time, without being confident that "if the present state of things had been apprehended by" the middle and northern states, "the cession would not have been" accepted.

Such being the true state of this case; such the "faith" really "implied" in the history and spirit of the time to which I have referred, is it not amazing to witness what is now passing? Instead of the redemption of the slave, we are now witnessing an attempt to perpetuate the curse of government the curse of slavery; it has been permitted greatly to increase; and this very city has become the great slave mart of large portions of these states—inasmuch that the representatives from the free states, and their constituents who come to the city, are daily made witnesses of the same, and are compelled to witness the driving of columns of slaves through its principal avenues, and by the very doors of this capitol—to witness, in fact, the *slave trade*, with all its infernal machinery of prisons, whips, chains and slaveholders—a trade little less horrible than some of the most infamous and infamous of man's transactions; and that the laws of our country, which protect on the high seas our laws have been subjected to the punishment of death.

And now, to crown the whole, the very petitions—prayers of citizens of the United States, asking in the name of humanity, the abolition, not of slavery in Virginia and Maryland, but of slavery and the slave trade here, are sneered at, and rejected without a hearing; while the petitioners are branded as “desperate and despicable fanatics” on this floor.

Mr. Speaker, need I ask who has the right to complain of a violation of “good faith” in regard to the matter of slavery here?

Implied pledge of the north to the south in adopting the constitution.

I come now to another branch of the subject of implied faith to a more general nature; I mean the "implied faith" that congress will not legislate on the subject of slavery here, and that the people of the north will not agitate the subject—draw from what is called *the compromise which lies at the basis of the constitution*. I do not mean to say that congress will not legislate on "slavery," as it exists at the south, is guaranteed by the constitution," because such an assertion has never been plausible enough to entitle it to notice in a grave discussion; though there are thousands, probably, who really believe that there is such a guarantee. But I mean to say that congress will not legislate on a subject which is so generally considered as being so wickedly violating. But I state the objection as it is expressed by Mr. Van Buren in his North Carolina correspondence. He did not place it on the ground of a guaranty in the constitution, or inferable from the constitution, but of a *faith implied* in "the compact" between the states at the time of the federal compact. This is surely sufficiently indefinite for the largest convenience of non-committalism.

The compromise? Where is it? And what is it? Those who rely on it profess to *infer* it from the history of the proceedings on the question of slavery in the convention that formed the constitution. What is that history? Briefly this:

Slavery existed in a portion of the states. A desire existed in the north to introduce an express provision into the constitution for its abolition. This the south resisted; and the constitution was adopted without such provision.

These are the facts. What then was the compromise? A compromise involves a *mutual concession*.—What did the north concede? She conceded the *point in dispute*. And what was that? Simply whether the constitution should abolish slavery. How did this concession pledge the north not to speak, write, print or petition against slavery?

Mr. Speaker, it seems to me that this simple statement of the ease makes it almost too plain for argument. The mind is actually compelled to *labor* to find even plausible ground for the inference of the guaranty relied on; and yet that inference is maintained with great pertinacity. It is said that slavery was an exciting subject, and that the convention, having agreed to drop it, and make no provision to abolish slavery, there therefore arose an implied guaranty that it should be no more discussed; but that the north should forever after hold her peace!

Now, however incredible this may appear to men of common sense, it is really true that there is a sort of sense uncommon enough to draw such an inference. I have no doubt it will amaze many a farmer, when he first reads or reads his newspaper, to find that there is that of a man who has been with logic as I does with human rights. What! says he; a guaranty that I shall say nothing about slavery, because the slave is a man? I have no objection to his saying that it is vile, stopped talking, and made a constitution that didn't abolish it! This is strange doctrine. I do not agree to it; for, in the first place, these slaves if they are black, are my brethren. The good book says that all men are created equal, and that all men and these slaves are men; and they have feelings, too, as well as I, and rights, as well as I; and *I can't help* feeling for them, and saying what I think about their being held in bondage. In fact, I don't see why their feelings should be any less than mine. I can't pretend to own me, and come here and take me. And, indeed, I had almost as lief they would, as to stop my talking about their enslaving the black men. How can a man be so much against slavery, and yet not much more than I? And then, if I have said to write and send it to the printer, I should be glad to know why I may not do it, if I *do* give the slaveholders a little scoring. But my speaking and writing will go for nothing, if I don't get the printer to print what I write.

And I further understand that there are six or seven thousand slaves in the District of Columbia, and that there are *penes* there, right in sight of the capitol where slaves that have been bought are shut up, until there are enough of them got together to send off to market, away to the south, where they will never see their husbands, nor wives, nor parents, nor brothers, nor sisters, any more. And I understand that Congress has a right to say that these six or seven thousand slaves shall not be slaves any more; and also, that slaves shall not be bought and shut up there any more, to be sent away to the south. Now I am told here, in this newspaper, that because the men that made the constitution stopped at this point, and Congress has no right to do anything, my petition to Congress asking it to exercise its power about slavery and the slave-trade in the District of Columbia.

I know it is said I may petition; but I do not see what use there is in sending my petition to my representative, if, the moment he gets up with it in his hand, it is to be considered as *objected to*, and the question about its being received is to be considered as laid upon the table. Now, I consider that it all amounts to saying, in a short of back-handed way—and I dislike it the more for that—that my petition shall not be received, *considered*; and I would as lief they would say that I should not send it, as that it is to be so; for if they will not *hear me*, what's the use in sending my petition, and asking my representative to present it?

Now, as I said, I do not agree to all this. These rights of speaking, and writing, and printing, and petitioning, are *great rights*, which I am thinking these constitution-makers would have had no business to stop the exercise of, even if they had put it in the constitution; and certainly that it cannot be stopped merely because they stopped talking about slavery; nor, if I understand the matter, that stopping out meant that they would say no more about abolishing slavery by the constitution; and what shows this is that they went to talking about slavery, and writing about it, and printing about it, and having societies about it, and petitioning about it, right off after the constitution was formed.

And, besides all this, the constitution, if I remember right, says that congress shall make no law abridging the freedom of speech or of the press, or the right of the people to petition for a redress of grievances. Now, I think it is pretty essentially abridging these rights to say that I shall not speak nor write, nor have any writing printed, about slavery; and that I shall not petition against slavery and the slave trade in the District of Columbia; for if there ever was any thing that *grieved me*, it is *that slavery*, and *that buying and selling*, and driving and shipping to market of men, women and children in that District.

The good book, again, tells me to remember those that are in bonds as bound with them; (and this—*as bound with them—I take it, means something*); and yet I must not say, or write, or print a word about my feelings, because the constitution-makers stopped short at that point, and they were making the constitution. And then again, I am to pray every day, to my Heavenly Father for the rulers, and His ears are open to my prayer; and yet, congress shuts its ears, and won't hear me, because the constitution-makers stopped talking about slavery while they were hammering out the constitution! How absurd it is to suppose an implied guaranty against slavery in the constitution, when the constitution itself declares that they shall not be bridled, and I cannot make any exception of the case of slavery! I am told it was Virginia that was the means of putting this into the constitution; and I thank Virginia for it. Now, it seems to me that, if they had meant to except the case of slavery, they would have said so right out, and then left it to this loose sort of understanding, which, after all, I do not see was any understanding at all.

The fact that it's a pretty great affair to take away these natural rights of speaking and printing and petitioning; and especially to take them away in such a case as this. And then, to take them away by implication, too. Why, if I had seen it in the constitution itself, I should hardly have believed my eyes; and even if I had seen it in the laws, I should have said, "Implication!" Now, it seems to me that in such a case as this, if there is to be any thing implied, it should be the other way; that is, in favor of my natural rights, and especially in favor of the rights of the poor slave, that I think about just as much as I do about my own rights. I don't think that it is any of my business, or my opinion that this implication ought to be taken in any other end foremost. That's the natural way; and, besides, I have heard it said that when the constitution was made, every body expected that slavery would be abolished in a little while; and, as I don't think that the framers of the constitution were to be allowed to speak and print against it, that was the evidence that the understanding was that way.

Now, Mr. Speaker, look at this ploughman, as he lays down his newspaper, takes off his spectacles, and thus reasons, and tell me if his argument is not conclusive and unanswerable.

Such, sir, is the *common sense* which is at work in posing the question, which slavery has so much mystified; and this is the way that the very arguments that have been elaborated for its protection are swept away. You will perceive that my farmer has brought his reasoning to a very important conclusion, namely, that all implication in such a case should be in favor of natural rights; and, therefore, should, in this case, be exactly the reverse of what is commonly supposed. Is it not, sir, perfectly correct? Is it not demanded by the common sense and unperturbed feelings of all men, that *implication* shall never be permitted to take away or abridge

such important rights as those of speech and the press, and petition, or be used to sustain such a position, that that which is the most natural justice revolt at it? Does not humanity, in her breathless struggle for victory over oppression, after a contest of ages, cry out against it? And yet this very implication is now claimed to "lie at the basis of our federal compact!"

An implicit pledge that the rights of speech, and the press, and petition, should be sacrificed in favor of slavery? What, sir, would have been the sensation in the convention of '87 if such a pledge had been presented for its action, in the form of an article of the constitution? What expressions of amazement and indignation would have followed! How would the names of Washington and Madison and Franklin upon its annunciation; and how would its adoption have shaken the country with a very earthquake of indignant feeling! And yet now! "the compromise of the constitution" and "the guaranty of the constitution" and the implicit faith of the nation in the favor of slavery are as familiar with southern gentlemen, in their discussions of this subject, as household words. Sir, it is time this delusion were dispelled, and the constitution, in its true relation to this great question of slavery, properly understood.

Though, Mr. Speaker, the ploughman's common sense argument seems to me quite sufficient to settle this question, yet there are other reasons, not, of course, so readily occurring to him, which greatly strengthen the conclusion to which he arrives, namely, that the implication, instead of being against the exercise of the rights of speech and petition, was, clearly in its favor. This implication necessary grows out of the union itself—that very union from which the contrary implication is attempted to be drawn.

The union gave to *the north a new and deep interest in the question of slavery.* Without the union, the people of the north would have felt the strong impulse of motives to which no heart can be insensible, urging the consideration of a subject so deeply interesting to the human race. But, when the union was formed, they came to sustain a slave very real relation, involving interests and rights having important bearings on the present question.

In adopting the constitution, the north entered into a stipulation to deliver up fugitives from oppression—a stipulation whose execution is abhorrent to humanity, and from which the *whole soul* of a freeman is revolted by necessity. Provisions also were contained whereby the power of the whole union was pledged to protect the states from invasion, and to put down domestic violence. The relation of all these stipulations to slavery is obvious. The burden they imposed is obvious—a burden rendered severer by the unusual character of the stipulations to sustain slavery. Nature itself dictates that such stipulations should never, by any construction, be extended beyond the strict "letter of the bond"; and that, while a literal compliance is yielded, the largest liberty should be allowed to the burdened party to use all lawful means to free himself from the onerous and oppressive burden.

Thus, for example, if I were bound by specific obligation to deliver up to my neighbor his fugitive slaves, and to assist him in putting down their efforts to regain their natural rights, and to defend him from attacks which might be invited, and rendered more hazardous, and to assist him to defend his family, every body would say that this very obligation would give me a peculiar claim to use all reasonable means to persuade him to emancipate them, and thus release him from the burdensome and unnatural obligation.

The north is, moreover, bound to assist in providing "for the common defence," as well as specifically to defend our shores, and to defend the country from domestic violence. And will it be asked what has the north to do with slavery, when it is considered what an *element of national weakness* exists in the two millions and three-quarters of slaves within the limits of the nation? The south now says—lands off!—lands off!—lands off!—and thus, by the combined pressure of foreign war and domestic insurrection—which may Heaven avert!—should not we at the north be bound by the constitution to pour out our blood and expend our treasure in grappling with slavery? It might be, in its strongest paroxysm of despair and desecration. And shall we not be permitted to ask our southern brethren to avert this danger, by converting these millions of natural enemies into grateful friends, and thus turning this element of weakness into an element of strength? Can any thing be more reasonable than this?

And the speaker proceeds to despise these stipulations of the constitution, and says, we ask none of your help—we can take care of ourselves. But who does not perceive the use which a foreign enemy might make of the slave population, now numbering a little less than three millions—a fearful number—but rising,

it may be, to ten, fifteen or twenty millions? Who can calculate the strength of the inducement that might be offered to the freedmen? What allies would this word raise up, and bring to the aid of an invader! And where *then* would be the boast, we want none of your help—we can take care of ourselves!

Think not, Mr. Speaker, that this is the mere creation of an excited fancy, introduced here to help out an argument for abolition. It is as impossible to contemplate the existence of a *rapidly increasing* slave population in our country without such forebodings as it would be to be unmindful of a *magazine* in presence of an enemy, with bomb-shells charged for the purpose of exploding it. Mr. Speaker has read the debates in the Virginia convention, in 1788, upon the United States constitution, will remember the glowing picture of this danger drawn by Patrick Henry, and the argument he founded on it, that the obligation imposed on the general government to "provide for the common defence" carried with it a right not only to "that every black man must fight," but a right actually to abolish slavery within the states. It is not to my present purpose to discuss that question; but it is to ask whether there is not enough in the basis on which he founded his argument to justify the people of the north in the utmost exercise of their rights of speech and the press, and petition and legislation against slavery.

If there are any still disposed to regard with indifference the argument I have drawn from this source, I will commend to their special attention the extract which I have already read from the proceedings of the first congress, in 1789. Speaking of the abolition of the slave trade, he says:

"I should venture to say it is as much for the interests of Georgia and South Carolina as of any state in the union. Every addition they receive to their number slaves, tends to a more dangerous and dangerous them less capable of self-defence. In case of hostilities with foreign nations, they will be the means of *inviting* attack, instead of repelling invasion. It is a necessary duty of the general government to protect every part of the empire against danger, as well internally as externally. Every thing, therefore, which tends to increase this danger, tends to be a local affair, yet, if it involves *national expense or safety*, it becomes of concern to every part of the union, and is a proper subject for the consideration of those charged with the general administration of the government."

You see, sir, that the very father of the constitution, the man so eminently distinguished for his intelligence, his sound judgment, and his sober, practical views—perceived and yielded to the force of the argument drawn from the weakness and danger of slavery.

And Mr. Speaker, how greatly is this argument strengthened by the rapid increase of the slave population; and especially by the obstinate determination evinced to resist all attempts to persuade to its abolition, accompanied even by studied vindications of it as an institution to be sustained and cherished. And how much more deeply impressed with a sense of this danger when he reads such declarations as the following from a governor of one of the slave states of this union:

"Domestic slavery, therefore, instead of being a political evil, is the *corner-stone of our republican edifice.*"

It is not, I am justly estimates our privileges will tolerate the idea of emancipation, and will, however remote, or on any condition of pecuniary advantages, however favorable. I would as soon open a negotiation for selling the liberty of the state at once, as for making any stipulations for the ultimate emancipation of our slaves."

Having spoken of the attempts of those whom he calls "the friends of freedom" to reason the south out of its suicidal attachment to slavery, he says:

"It is a my deliberate opinion that the laws of every community should punish this species of interference by death *without the benefit of clergy*, regarding the authors of it as *enemies of the human race.*"

It was declared in the institution of slavery? In a message to the legislature of Governor McCallin in 1834; and it has since been followed by the notorious threat of hanging, made on the floor of the senate of the United States.

Can any body fail to see, in the infatuation of all the slaveholders, danger in the institution of slavery?

But, Mr. Speaker, aside from all considerations of national hazard, or of mere constitutional obligation of defence and protection, how strongly must the north feel impelled to take an interest in the matter of slavery by the simple reason of *brotherhood* resulting from the fact that the members of the race described, but is nowhere better described than in the simple, touching declaration: "Whether one member suffer, all the members suffer with it; or one member be honored, all the members rejoice with it." Is it impossible to extinguish this feeling?

But besides let it be considered that, by coming into the union, the north made slavery in a sense different from that which the express stipulations to which I have referred. And it has since become emphatically its own, to the extent of slavery in this District, and a slave-trade which as horrible and disgraceful as is to be found in Christendom. Has not the north, as well as the whole country, thus assumed a high and noble position, and the express stipulations may not the people of the north, and of every part of the United States, seek to discharge that responsibility by any and all the means which the full extent of power recognised in the constitution shall warrant?

In asking as is so often done, "What has the north to do with slavery?" it seems to be supposed that, because the north have no power to legislate slavery out of the slave states, therefore they have no right to attempt to reason it out, without reflecting that, while legislation by the congress of the United States is limited by the grant of power in the constitution, there is, and from the nature of the case can be, no such limitation to the exercise of moral power. Its legislation, so to speak, is not the creature of constitutional grant. It has a higher origin; it rests on a deeper foundation. Its jurisdiction is the world. It is limited by the guilt of power in the constitution, and with a mightier than the civil arm—with an energy which no such arm can resist. Wherever mind can come in contact with mind, through the agencies of speech and the press, there, restrained by nothing but truth and justice, it puts forth its energies, and accomplishes its victories.

While the constitution gave to "the people of the United States" no authority to repeal the slave laws of the states and banish slavery from their borders, it left truth—omnipotent truth—truth unfettered—free as the spirit of man—to take the wings of the morning, and fly to the uttermost parts of the earth. Instead of attempting the impossibility of binding it, the constitution guaranteed it to a tongue and a press, and left it to go forth to its mighty conflict with error.

It seems to me that those who deny this freedom to truth, and claim that it is bound by constitutional fetters, do not reflect on the strange, anomalous condition in which they thus place the free states of this union. To most of the civilized world we may freely utter the voice of truth on the subject of slavery, (for by what lines of latitude, or mountains, or oceans, can that voice be confined?) while to our southern brethren we may not speak, because—*they are our brethren*—and we are bound to be silent. And yet, to be bound to bear on them—as Great Britain has, through her West India emancipation, upon the southern states of this union—an anti-slavery influence which they would find it difficult to resist. Nothing but a wall reaching to Heaven, and penetrating to the centre of the earth, could exclude the influence. And yet the union of these states has reared upon "Mason's and Dixon's line" that wall of separation! It leaves, indeed, a gate through which the north may pass, and must pass, when danger threatens; but when we have poured out our blood to aid in protecting and securing slavery, we must retire, without uttering, on pain of death, one word of admonition against a continuance of the institution. We must fight and pay to suppress its insurrections, but may not reason and remonstrate to put an end to its injustice, and relieve the country from its danger. And this is the position in which we are placed.

I have sometimes heard it said that, in forming the union, the north took the south with the incubance of slavery, and must patiently bear its evils. But the south it may with equal propriety be said, took the north with the incubance—if such it may be called—of freedom. Each necessarily subjected itself to the influence of the other—an influence exerted by the official intercourse growing out of common government, and the facilities of social and commercial intercourse resulting from the union.

And, sir, the north has felt that influence, and still feels it! It has, as I shall soon show, felt it ever since the government went into operation, in the contest with the nullifiers, and the nullification of the tariff. Where the balance of influence will ultimately fall remains to be seen. If the free states are true to themselves and the great principles of freedom, standing firm in their defence, there can be no doubt that these principles will finally triumph. But, to second that result, there must be a better understanding of those principles, and more firmness in maintaining them, than I have ever been permitted to witness here.

There is, Mr. Speaker, something monstrous in the idea that this union was formed to *perpetuate slavery*. Yet it is the only union that has ever been formed to be sustained; for the union is, in effect, there by thrown around slavery as a shield of defence against the power of truth, which might otherwise be brought to bear against it. *Before the union, we*

might have spoken, and spoken with great effect. If *without* the union, we might not *not* forth our vocal power in union with the anti-slavery cause. —But the union has been formed, and —we must be silent! While the rest of the world is moving on this great question of human rights, we must be silent because we have formed the union! This whole land is to be shrouded in the darkness of Egypt, and hushed in the silence of death on the great subject which is moving Christendom, because we have formed the union!

Mr. Speaker, if this is to be the effect of the formation of this union—if it is thus to become an instrument of perpetuating slavery, then should the preamble to the covenant of silence, the compact of the union be bent to read, "We, the people of the United States, in order to form a more perfect union, establish injustice, ensure domestic discord, provide for the common weakness, promote the general injury, and secure the curse of slavery to ourselves and our posterity, do ordain and establish this constitution for the United States of America."

Such, sir, should have been the preamble to the constitution; for it would be perfectly descriptive of it if the union, of which it is the compact, is to become what the claims of the south would really make it—an instrument of perpetuating slavery.

It would be urged, as an argument for suppressing freedom of speech and the press, and petition on the subject of slavery, that the free exercise of these rights will have the effect of dissolving the union. Now, sir, I maintain precisely the reverse of this. I maintain that this very suppression, if it could be effected, would itself dissolve the union. You might as well expect that the stopping up of *Ætna's* crater would not produce an earthquake, as that a dissolution of the union would not follow such a suppression. Every man who knows any thing of the nature of the human soul, and the power of its agonizing sympathies, and its unquenchable and overpowering remonstrances. Beware how you trifle with these sympathies! Call them weakness—brand them as fanaticism—denounce them as incendiary. Yet they exist, and will exist, and ought to exist; and your contempt and abuse of them will only increase their intensity.

But, if you would preserve this union, cease to treat thus contemptuously the best feelings of the human heart. Cease to hurl back in the faces of the men and women of the north their humble petitions, praying, in the name of our common humanity, that you would repeal the laws which oppress and oppress them.

Sir, you owe it to them—you owe it to the constitution—you owe it to the great principles of liberty which this nation drew in with the first breath of its existence, and which send the pulsations of health through every part of our republican system, not to abridge the liberty of speech, and of the press, and of petition in connexion with the subject of slavery. If you will assail these rights, let it be in connexion with some other subject, but never—in connexion with this! Guard them with vestal vigilance. If slavery suffers from them, it must suffer. If it falls in its contest with "truth and free," then let it fall. Its fall will be the safety of the country and the perpetuity of the union.

Mr. Speaker, is slavery to be put in competition with the freedom of speech, and of the press, and of the right of petition? Which shall be surrendered, the slavery of the black man, or the noblest freedom of the white man? Must we choose between slavery, which shall die? Who can doubt—who can hesitate on such a question? And yet, sir, we are told that this contest between freedom and slavery was settled fifty years ago in favor of slavery—not by the constitution—that would have been monstrous—but by implication, by the growing out of compromise legislation on the basis of the federal compact! Sir, if this implication lies at the basis of the compact of our union, then was the union placed on a *mine*, to be shattered into a thousand fragments by its inevitable explosion.

And, sir, what I say of the effects of the abridgment of the freedom of speech and of the press, and of the right of petition, which is insisted on as a part of the compromise, must also apply to slavery. Its *permanency* is utterly incompatible with the permanency of this union. Who can expect that a free people can be held in fraternal embrace forever with a community where slavery is cherished and proclaimed as "the corner stone of republican institutions?" The union is incompatible with the slave. It can grow in social proximity, but liberty and slavery delight in separation." Such was the sentiment of Pinkney, uttered in the Maryland house of delegates fifty years ago. And, sir, what is thus uttered as a general truth will, as sure as man is man, be our history, if the compromise is maintained. It will be against the feelings of the north, and against the enlightened judgment and enlarged humanity of the civilized world. If the framers of the constitution

had attempted to form a compact of union specifically providing for the perpetuity of slavery, they would have sought to make the most complete and avowed slave now hear of "the guarantees of the constitution," and "the compromise of the constitution," in favor of slavery! Sir, the guarantees were all the other way—guarantees drawn from the very nature of the union, from the *spirit of the times* in which it was formed, and from the most common sense, which "lie at the basis" of all our cherished institutions.

While looking at the objection to the exercise by congress of its power of abolishing slavery here, drawn from a consideration of the indirect influence of such legislation upon the institution of slavery in the states, which seems to exert the burden of the objection, I have been reminded of the view taken of the indirect influence of congressional anti-slavery legislation by Mr. Madison, in the debates in the first congress, to which I wish to call the particular attention of the house.

Congress, when so collected, was prohibited by the constitution from abolishing the slave trade prior to the year 1808. In the debate upon a petition of Dr. Franklin and others—to which I shall by and by more particularly refer—praying that congress would "step to the very verge of the power vested" in it for discouraging the traffic in slaves, and such objection was urged against the action of congress which is now urged.

On that occasion, Mr. Jackson of Georgia, said: "I apprehend it, through the interference of the general government the slave trade was abolished, it would be the end of the matter, and the burden of total emancipation, and they would hold their property in jeopardy. I hope the house will order the petition to be laid on the table, in order to prevent alarming our southern brethren."

And what said Mr. Madison to this? "He said, sir, in a report of that debate) that the action is restricted by the constitution from taking measures to abolish the slave trade. Yet there are (said he) a variety of ways by which it could countenance the abolition; and regulations might be made in relation to the introduction of them into the new states, and the slave trade would be well worthy of consideration."

Thus, though congress could no more then abolish the slave trade than it can now abolish slavery in the states, yet, in Mr. Madison's opinion, it might very properly so exercise its admitted powers of regulating the introduction of slaves into the new states, and the slave trade in the states of Georgia and South Carolina, were then as jealous of the action of congress upon the subject of slavery, lest it should countenance the abolition of the slave trade, and place "their property in jeopardy," as they now are lest the action of congress in abolishing slavery should countenance the like abolition in the states. But Mr. Madison was not to be deterred by this from going, in the language of Dr. Franklin's petition, to the "very verge of the power vested in congress" over the subject of slavery. The modern nervousness in regard to this matter seem not to have entered his mind. Then, indeed, slavery did not stand so much higher than any other interest in the country, as to reverse all the ordinary principles of legislation for the purpose of its security and protection. On the contrary, it was considered right to exercise "the power of congress over the subject of the slave trade," "with a view to 'countenancing' what congress could not then directly accomplish—the abolition of the slave trade. If Mr. Madison were now in this hall, and should advance such a doctrine in regard to the abolition of slavery and this slave trade here, he would be branded as a "desperate fanatic," and an enemy of the union. What "a change has come o'er the spirit of" this nation since the congress of eighty-nine!

While considering the subject of congressional action in cases in which it may indirectly exert an unfavorable influence upon slavery, the abolition, by congress, of slavery in the northwardly extending territories, which are already under the dominion of slavery, cannot escape attention. The ordinance of 1787 decreeing that abolition, was expressly ratified by the first congress under the present constitution. But who can read that ordinance, and especially the preamble to the "six articles" embodied in it—to which I shall hereafter more particularly refer—without perceiving the immense anti-slavery influence it was calculated to exert? But the truth was, the country was not then afraid of that influence; for it was, as I shall presently show, in full accordance with the strong anti-slavery feeling of those times.

It was in the spirit of the times that the right of the north to exert, by all constitutional means, and to the full extent of constitutional authority, an anti-slavery influence on the south, I have drawn an argument from the *union itself*, and the fraternal relation which that

union created. But, sir, while I thus reason from the union and its fraternal relations, in favor of the right of action on the southern question in regard to slavery, I desire to declare most emphatically the deep sense I entertain of the *peculiar obligation* which this relation imposes upon the north to act in this matter in the spirit of fraternal kindness and good will. This obligation would extend to the entire union, for it is uniformly and most loudly insisted on by the north. We do not address ourselves to strangers and foreigners, but to our fellow-citizens—our brethren—to whom we are bound by a thousand endearing ties and patriotic recollections. If we claim to address them on the ground that they are our brethren, then are we solemnly bound to do so in the spirit of fraternal kindness and charity. In that spirit, if I know myself, I now speak; in that spirit I have ever spoken, and in that spirit I desire to assure the south I shall always speak, here and elsewhere, on this subject.

Implied pledge of the south to the north.

I have thus endeavored to show that congress has power to abolish slavery and the slave trade in this District, and to meet the objections to the exercise of that power, drawn from a supposed implied pledge to Virginia and Maryland in accepting the cessions, and an implied pledge to the whole south, in the act of coming into the union.

Thus far, however, I have occupied a *defensive* position, endeavoring, as well as I was able, to vindicate from the charge of violating pledges and discrediting compromises, the action which I have asked congress to abolish slavery and the slave trade here, and have exercised what they believe to be their just freedom of speech and of the press, for the purpose of convincing the southern states of the duty of abolishing slavery within their limits.

But, sir, I am not disposed to act merely on the *defensive*. I wish to show that while the south charges the north with a violation of implied pledges in regard to slavery, she has herself violated her own clearly implied pledges on this very subject.

Whoever will look into the history of the period when the constitution was formed, will find that it was then the universal expectation and expectation excited by the slave states themselves, especially by Virginia and Maryland—that slavery would, at no distant day, be abolished by their own legislation.—Abolition, as I have already intimated, and will now show, was emphatically the spirit of those times.—Slavery was regarded as a necessary and inevitable destined to be "of few days," and declared to be "full of evil." It was considered and treated as a dangerous intruder, that was to be allowed, from necessity, to hold, temporarily, as a tenant at sufferance, but by no means to be permitted to enjoy a *safe* tenure in this soil of freedom. This feeling pervaded the country; it pervaded the convention that formed the constitution, and must necessarily have formed an essential element in the compromises which led to its adoption.

Anti-slavery was the prevalent feeling of the revolution. It was the first principle of this nation, drawn in abhorrence of slavery in every form. The colonial policy of the mother country, by which it had been introduced, was the subject of almost universal execration. It was then held to be "self evident" that all men were "created equal, and endowed by their Creator with certain inalienable rights, the pursuit of happiness." This *great truth*—not *slavery*—was regarded as "the corner stone of our republican edifice." Nor was it held to be exclusively applicable to the Anglo-Saxon race; but the descendants of Africa were to enjoy its benefits and blessings, and the regulations of the slave trade and emancipation early commenced under its influence. Vermont took the lead by declaring in her constitution in 1777 that there should be no slavery within her limits. Massachusetts and Pennsylvania followed in 1780, and New Hampshire, Connecticut and Rhode Island in 1784. The noble and pure spirit of these great movements are well set forth in the preamble to the abolition act of Pennsylvania; a part of which I beg permission to read.

Having recognized the dangers and deliverances of the revolution, and expressed "a grateful sense of the manifold blessings unreservedly received from the hand of that Being from whom cometh every good and perfect gift," the noble and pure spirit of these great movements are well set forth in the preamble to the abolition act of Pennsylvania; a part of which I beg permission to read.

"Impressed with these ideas, we conceive that it is our duty, and we rejoice that it is in our power, to extend a portion of that freedom to others which has been extended to us. * * * We esteem it a peculiar blessing that we are this day enabled to do more for the perfecting of our civilization by removing as much as possible the sorrows of those who have lived in undesired bondage. Weaned by a long course of experience from those narrow prejudices we had imbibed, we find our hearts enlarged with kindness and benevolence toward men of all condi-

tions and nations; and we conceive ourselves, at this particular period, extraordinarily called upon, by the blessings we have received, to manifest the sincerity of our professions, and to give substantial proof of our gratitude." "And whereas the condition of those persons who have been heretofore denominated negro and mulatto slaves has been attended with circumstances which not only deprived them of the common blessings they were, by nature, entitled to, but of that protection and aid which should have been afforded them by the laws of the land, and by an unnatural separation and sale of husband and wife from each other, and their children—an injury, the greatness of which can only be conceived by supposing that we were in the same unhappy case. In justice, therefore, to persons so un happily circumstanced, and to those who, having no other remedy, were in they may rest their sorrows and their hopes, have no reasonable inducement to render the service to society which they otherwise might; and, also, in grateful commemoration of our own happy deliverance from that state of unconditional submission to a power which we would not have tolerated had it been enacted, that no child hereafter born shall be a slave," &c.

Here, Mr. Speaker, is exhibited the *spirit of these times*. Let this precious preamble be borne in mind as we proceed.

It was in accordance with the spirit which dictated the emancipations of Pennsylvania and other states, was the ordinance of 1787, to which I have referred.—Let me call your attention to the preamble to the six articles in that ordinance, the last of which abolished slavery in the northwestern territory. It declares, "and for other things, that we deem essential to the fundamental principles of civil and religious liberty, which form the basis wherein these republics, their laws and constitutions are erected, to fix and establish these principles as the basis of all laws, constitutions and governments, which forever hereafter shall be enacted," &c. It said thereby, "that it is hereby ordained," &c.

Such was the preamble to that act abolishing slavery. Then abolition was regarded as extending "the fundamental principles" which lay at the basis of our republican institutions. Now, slavery is held to be "an avowed stone of our republican edifice."

In 1774, Patrick Henry, in a letter to Robert Pleasants, afterwards president of the Virginia abolition society, said:

"Is it not amazing that, at a time when the rights of humanity are defined and understood with precision, in a country above all others fond of liberty, in a country professing a religion the most humane, mild, gentle and generous, adopting the principles so repugnant to humanity as it is inconsistent with the Bible, and destructive to liberty? Every thinking, honest man rejects it in speculation; how few in practice, from conscientious motives!"

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the purpose with great care; and I would never cease moving till it became a law, or I ceased to be a member. *I believe God governs the world; and I believe it to be a maxim in His, as in our court, that those who sue for equity ought to do it.*

Drawing nearer to the time when the constitution was adopted, and the "compromises" made which "guaranteed" the perpetuity of slavery! we come to the celebrated letter of Mr. Jefferson to Dr. Price, of London, dated at Paris, August 7, 1785. Dr. Price, when a pamphlet on the subject of slavery, and Mr. Jefferson's letter was in reply to one from the doctor on the subject of his pamphlet.

Mr. Jefferson begins by speaking of the manner in which he thinks the pamphlet—which, it seems, had been extensively circulated in America—will have been received. "Southward of the Chesapeake," he thinks, "it will find but few readers; concurring with it in sentiment." From the mouth of the head of the Chesapeake it would be received more favorably—"the bulk of the people approving it in theory"—slavholding keeping "the consciences of many uneasy;" while northward of the Chesapeake the oppressed, who would be as ready as rats to eat "robbers and murderers." He then proceeds to say:

"In Maryland I do not find such a disposition to begin the redress of this enormity as in Virginia. This is the next state to which we may turn our eyes for the interesting spectacle of justice in action. The sacred side is gaining daily recruits; and the influx into office of young men grown and growing up. These have sucked in the principles of liberty as it were with their mother's milk, and it is to them I look with anxiety to turn the fate of this question."

But, with avarice and oppression as a capital, wherein the sacred side is gaining daily recruits; and the influx into office of young men grown and growing up. These have sucked in the principles of liberty as it were with their mother's milk, and it is to them I look with anxiety to turn the fate of this question."

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In an address by hon. James Campbell, before the Pennsylvania society of Cincinnati, on the 4th of July, 1787, he said:

"Our separation from Great Britain has extended the empire of humanity. The time is not far distant shall turn their vastness into fields for our example."

The convention that formed the constitution—whose "compromises" have imposed perpetual silence on the subject of slavery!—was then in session in Philadelphia, and attended on the delivery of this address, with General Washington at their head.

and submitted to the people of the states the constitution, and September, 1787. For further evidence of the public sentiment at that time, let me now refer to the debates in some of the state conventions to which it was submitted for ratification.

In the debates in the North Carolina convention, Mr. Iredell, afterwards a judge of the supreme court of the United States, said: "When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind, and every friend of human nature." Mr. Galloway, said: "I wish to see this noble principle made put an end to. I apprehend the clause (touching the slave trade) means to bring forward manumission."

Luther Martin, of Maryland, a member of the convention that formed the constitution of the United States, said: "We ought to authorise the general government to suppress such regulations as shall be thought most advantageous for the gradual abolition of slavery and the emancipation of the slaves which are already in the state."

Judge Wilson, of Pennsylvania, one of the convention that framed the constitution, said in the Pennsylvania convention that ratified it: "I consider this clause (that relating to the trade) as laying the foundation for banishing slavery out of this country. It will produce the same kind of gradual change which was produced in Pennsylvania. The new states which are to be formed will be under the control of congress in this particular, and slaves will never be introduced among them. It presents us with the pleasing prospect that the rights of mankind will be acknowledged and established throughout the union."

In the Virginia convention of 1787, Mr. Mason, author of the Virginia constitution, said:

"The abolition of slaves weakens the states; and it is a principle which is as destructive to the manhood. * * * As much as a valid union of all the states, I would not admit the southern states (South Carolina and Georgia) into the union, unless they agree to the discontinuance of this disagreeable and our countrymen. We were totally annihilated, it would do much good."

Patrick Henry contended that, by the constitution, congress would have power to abolish slavery as indispensably necessary to the safety of the country, whose "general defence" was committed to its care. In addition to this argument, he said, all "nothing thing" will contribute to bring this event about which is desired. We feel its fatal effects. We deplore it with the pity of humanity."

In the Massachusetts convention of 1788, General Heath said that "slavery was confined to the states now existing. It could not be extended. By their ordinance congress had declared that the new states should be free, and have no slavery."

Judge Dawes, said: "Although slavery is not suited by an apoplexy, yet it has received a mortal wound, and will die of consumption."

Such are some of the expressions of opinion in the conventions that adopted the constitution, in regard to slavery, and its probable speedy abolition. The expressions are all in favor of the public mind, by its own in the brief and significant language of Judge Dawes—slavery "has received a mortal wound, and will die of consumption." This, indeed, was public opinion of that day; and yet we are now told that the constitution, which drew its first breath in the atmosphere of that public mind, by its own implied guaranty, or had connected with its own promises as implied a guaranty, for the secured an rights, even at the expense of a sacrifice of the rights of speech, and the press, and petition! Every fully understood that slavery was *morally wronged*, and destined to be removed by the strange necromancy of constitutional implication, that at that very time thrown around it the shield of the union for protection against its great enemies—freedom of speech and freedom of the press!

THOS. JEFFERSON.

Proceeding in the order of time, I come to the declarations of Washington. In writing to Robert Morris on the 12th of April, 1786, General Washington said:

"There is not a man living who wishes more sincerely than I do to see a plan adopted for the abolition of slavery; but there is only one proper and effectual mode by which it can be accomplished, and that is, by legislative authority, and this, as far as my suffrage will go, shall never be wanting."

On the 10th of May, 1786, he thus wrote to Lafayette:

"[Abolition] certainly might and ought to be effected, and that, too, by legislative authority." In a letter to John Fenton Mercer, of September 9, 1786, he said:

"I am among my first wishes to see some plan adopted by which slavery in this country may be abolished by law."

To John Sinclair he wrote:

"There are in Pennsylvania laws for the gradual abolition of slavery which neither Maryland nor Virginia have at present, but which nothing is more certain than that they must have, and at a period so remote."

These strong expressions of sentiment by General Washington, it should be observed, were uttered only a year before the session of the convention, himself at its head, which formed the constitution that "guaranteed" the perpetuity of slavery! But let us come a little nearer to the adoption of the constitution.

Let me now refer to a few expressions of opinion going to show the state of public sentiment soon after the adoption of the constitution.

In the Maryland house of delegates in 1789, Wm. Pinkney, said:

"But it is possible that this body should not feel for the reputation of Maryland? Is national honor unworthy of consideration? Is the censures of an enlightened universe insufficient to alarm us? The character of my country among the nations of the world is as dear to me as that country itself. I would be silent, if in what Maryland bosom does it now beat, in reference to slavery and the slave trade here, for which this nation is responsible to 'an enlightened universe.'" "What a motley appearance (continues Mr. P.) must Maryland at this moment make in the eyes of those who value the rights of freedom. It is to stand, once the fair temple of freedom and the abominable nursery of slaves—the school for patriots and the foster-mother of petty despots—the asserter of human rights and the patron of wanton oppression? Here have emigrants from a land of tyranny found an asylum from persecution, and here also have those who came as rightfully from the winds of heaven found an eternal grave for the liberties of themselves and their posterity. * * * Sir, by the eternal principles of natural justice, no master in the state has a right to hold his slave in bondage a single hour. * * * So the thing is impossible; never will your country be productive; never will its agriculture, its commerce, or its manufactures flourish so long as they depend on reluctant bondmen for their progress."

What must have been the state of public sentiment which could in the legislature of a slave state bear such an indignant, burning rebuke, of slavery as this? Did slavery or the body which had addressed it believe that there was in or about the constitution of the United States any "implied" prohibition of freedom of speech on the subject of slavery?

Let me now turn, for further evidence of public sentiment, to the debates in the first congress. On the 15th of February, 1793, a memorial to the Pennsylvania abolition society, setting forth in strong language the injustice of slavery, its inconsistency with our institutions, and the duty of all to labor to effect its abolition; and asking congress to take into consideration the traffic in slaves, and "the very verge of the power vested" in it for "discouraging every species of traffic in the persons of our fellow men."

The reception of this petition was neither objected to, nor "considered" as objected to; but it was respectfully received and considered. In the debate that arose upon it, Mr. Parker, of Virginia, said: "I cannot help expressing the pleasure I feel in finding so considerable a part of the community attending to matters of such momentous concern to the future prosperity and happiness of the PEOPLE OF AMERICA. I think it my duty as a CITIZEN OF THE UNION to espouse their cause."

Mr. Page, of Virginia, (afterwards governor), said: "It is a fair part of the constitution. He hoped that the designs of the respectable memorialists would not be stopped at the threshold, in order to preclude a fair discussion of the memorial. He placed himself in the case of a slave." [This is the true position; to make the slave's case *our* case; to "remember the weak and bond with them." Mr. Page, in this, as in all that shall go, was Franklin asked the first congress to go, to "the very verge" of our power to abolish, and where we cannot abolish, to "discourage" slavery. But to propose with the quotation.] "He placed himself in the case of a slave, and said that, on hearing that congress had refused to listen to the memorial, the residents of the respective parts of the community, 'how the petitioners are 'despicable fanatics!'" "He should infer that the general government, from which was expected great good would result to every class of citizens, had shut their ears against the voice of humanity."

Mr. General, of Pennsylvania, said: "I cannot, for my part, conceive how any person can be said to acquire property in another. I do not know how far I might go, if I was one of the judges of the United States, and those people were to come before me, and claim their emancipation; but I am sure I would give it as I could."

Mr. Burke, of South Carolina, said: "He saw the disposition of the house, and he feared it would be referred to a committee, maugre all their opposition."

Mr. Smith, of South Carolina, said: "That on entering into this government, they (South Carolina and Georgia) apprehended that the other states would, from motives of humaneness and benevolence, be led to vote for a general emancipation."

In a debate at the previous session of congress, (May 13, 1789), on a proposition to impose a duty of ten dollars each on imported slaves, Mr. Parker, of Virginia, the mover of the proposition, said: "He would be glad to see the government use its power to restore to human nature its *inherent* privileges, and, if possible, to wipe off the stigma under which America labored. The inconsistency in our principles, with which we are justly charged, should be done away, that we may show by our actions the pure love of mankind, and the desire to do good to the world in our Declaration of Independence."

Mr. Jackson, of Georgia, said: "It was the fashion of the day to favor the liberty of the slaves."

Mr. Madison said: "The dictates of humanity, the principles of the people, the national safety and happiness, and prudent policy require it of us. * * * I conceive the constitution, in this particular, was formed in order that the government might be restrained from laying a total prohibition, might be able to give some testimony of the sense of America with regard to the African trade. * * * It is to be hoped that, by expressing a national disapprobation of this trade, we may destroy it, and save ourselves from reproach, and our posterity the imbecility ever attendant on a country filled with slaves. * * * If there is any one point in which it is clearly the policy of this nation, so far as we constitutionally can, to vary the practice abounding under some of the state governments, it is this."

Mr. Madison's strong anti-slavery feeling manifested in the first congress. And it is worthy of remark that the question of slavery was treated as a national question—arguments for national interference, to the full extent of constitutional power, and with a view to varying the practice under some of the state governments, "being drawn from considerations of national honor, national strength and national safety."

Pursuing the order of time, let me give two additional and pointed reprobations of slavery by distinguished men of that period. In 1794, Dr. Rush declared:

"Domestic slavery is repugnant to the principles of Christianity. It prostrates every benevolent and just principle of action in the human heart. It is rebellion against the authority of a common Father. It is a practical denial of the extent and efficacy of the Christian religion. It is a carnal gratification of the prerogative of the great Sovereign of the universe, who has solemnly claimed an exclusive property in the souls of men."

In 1796, Mr. Tucker, of Virginia, judge of the supreme court of that state, and professor of law in the college of William and Mary, in a letter to the general assembly of that state, gave the substance of slavery, said: "Should we not, at the time of the revolution, have broken their fetters? Is it not our duty to embrace the first moment of constitutional health and vigor to effectuate so desirable an object, and to remove from us a stigma with which our enemies will never fail to upbraid us, nor our consciences to reproach us?"

I come now, Mr. Speaker, to another, and, in some respects, much stronger evidence of the prevalence of anti-slavery sentiments at the period to which I have referred. I do not allude to expressions of individual opinion, but to considered opinion and associated effort in favor of the abolition of slavery. In 1790, so strongly was the public mind moved in the subject of "abolition" that abolition societies were actually formed in Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. The Pennsylvania society was formed in 1790, and incorporated by act of the legislature in 1797—Benjamin Franklin, president; Dr. Rush, secretary. The New York society was formed in 1785—John Jay, president, afterwards Alexander Hamilton. The Maryland society was formed in 1790—John Jay, president, afterwards Judge Chase and Luther Martin. In 1790 the Connecticut society was formed—Dr. Stiles, president, and Simeon Baldwin, (late Judge Baldwin) secretary. In the same year the Virginia society was formed—Robert Pleasants, president; and also the New Jersey society, which had an acting committee of five members in each county. The first American general convention for promoting the abolition of slavery, was honorable Uriah Tracy, United States senator from Connecticut; hu-

norable Benjamin Swift, chief justice of the supreme state; honorable Cesar A. Rodney, attorney general of the United States; honorable James A. Bayard, United States senator from Delaware; Governor Bloomfield, of New Jersey; hon. William Royle, the late venerable head of the Philadelphia bar; Messrs. Foster and Tilgham, of Rhode Island; Messrs. Ridgely, Buchanan and Wilkinson, of Maryland; and Messrs. Pleasants, McLean and Anthony, of Virginia.

For the purpose of showing the principles and objects of these societies, let me refer briefly to the constitution of two of them, and the memorials to congress of two others. The following is the preamble to the constitution of the Pennsylvania society:

"It is the duty of every citizen of the world to make of one flesh all the children of man; it is their duty to consult and promote each other's happiness, as members of the same family, however diversified they may be by color, situation, religion, or different states of society. It is more especially the duty of those persons who profess to maintain for themselves the rights of human nature, and who acknowledge the obligations of Christianity, to use such means as are in their power to extend the blessings of freedom to every part of the human race and in a more particular manner to such of their fellow creatures as are entitled to freedom by the laws and constitutions of any of the United States, and who, notwithstanding, are detained in bondage by fraud or violence. From a full conviction of the truth and obligations of these principles—from a desire to diffuse them wherever the miseries and vices of slavery exist, and in humble confidence of the favor and support of the Father of mankind, the subscribers have associated themselves under the title of the 'Pennsylvania society for promoting the abolition of slavery and the relief of free negroes unlawfully held in bondage.'"

The following is part of the preamble to the constitution of the New Jersey society:

"It is our boast that we live under a government wherein life, liberty and the pursuit of happiness, are recognised as the universal rights of man. We abhor that inconsistent, illiberal and interested policy which withholds those rights from an unfortunate and degraded class of our fellow creatures."

The Connecticut and Virginia societies sent memorials to congress. The following is an extract from the former:

"From a sober conviction of the unrighteousness of slavery, your petitioners have long beheld with grief our fellow men doomed to perpetual bondage in a country which boasts of her freedom. Your petitioners have seen the millions of wretched, of general philanthropy (now it is "fanaticism") to associate ourselves together for the protection and assistance of this unfortunate part of our fellow men."

The memorial of the Virginia society is headed, "The memorial of the Virginia society for promoting the abolition of slavery."

Your memorialists fully believing that slavery is not only an odious degradation, but an outrageous violation of one of the most essential rights of human nature, and utterly repugnant to the precepts of the gospel," &c.

It would seem to be an appropriate closing of this mass of testimony to read, as I will now beg permission to do, an extract from a sermon of President Edwards, the younger, preached before the Connecticut Abolition society, September 15, 1791.

"Thirty years ago (said he) scarcely a man in this country thought either the slave-trade or the slavery of negroes to be a crime; but now, how many and able advocates, in private life, in our legislatures, in congress, have appeared, and openly and irreversibly pleaded the rights of humanity, in this as well as other instances? And if we judge of the future by the past, within fifty years from this time (the fifty years are about to expire) it will be as shameful for a man to hold a negro slave as to be guilty of common robbery or theft."

Upon the testimony thus presented, I cannot, Mr. Speaker, find time for an extended commentary. Nor do I deem it necessary. It seems to me impossible that it should be so failed to convince all who have been that, so far from there having been any implied pledge on the part of the free states that the subject of slavery should not be agitated, there arose necessarily, from the common sentiment of that period in regard to slavery, from the perfect freedom with which it was every where assailed, and from the general expression of opinion in favor of its abolition, an implied pledge on the part of the slave states that no obstacles should be interposed to the freest action of public sentiment in regard to it; but that they would, in fact, continue to co-operate, as they were then co-operating, with the philanthropists of the north, in producing abolition. And this, I should, "not a distant day," put an end to the evil.

[TO BE CONCLUDED IN OUR NEXT.]

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The *North American* gives a brief outline of the testimony of one of the witnesses, Samuel L. Gouverneur, (former postmaster of the city of N. York), which is worth copying:

"With regard to the cash payments to a large amount alleged to have been made by the government to defendant, it was proved by Mr. Gouverneur that there were payments of accommodation paper loaned the department by defendant—that the department had sued for the same amounts; and that the

postmaster general had offered credit him with the amounts, if he would inform whom he should charge to; he also stated that the department could not raise money on its own credit, and he should regretfully have failed had not Mr. Reeside and others extended assistance in this way. The credit of the department was bad, and to any extent. I have a letter from the department, stating they would be bankrupt unless I raised them \$30,000 by next mail. These drafts of Mr. Reeside's were issued in June, and I do not believe they were charged on any books of the department. As to the mode of keeping accounts, I can state, from own knowledge, it was for the purpose of deceiving and preventing an investigation by the committees of congress, then expected. Government paid two per cent. a month for the use of its money. Under Mr. Barry there was no *bag-in* under Mr. Keudall, *every thing thing they could find*.

SEIZURES ON THE COAST OF AFRICA.—

The Salem Register publishes a correspondence between Mr. Isaac Chase, American consul at Cape Town, Africa, and Rear Admiral King, commander-in-chief of the British naval forces at that station, relating to the treatment of Captain Webb, of the Salem brig Cherokee, which was very roughly overhauled some time ago by a boat from the British brig Curlew, on the old suspicion of being engaged in the slave trade.

Mr. Chase forwarded a copy of Captain Webb's statement to Rear Admiral King on the 20th of March. The answer, which is all that could be hoped or expected, we give below:

H. B. M. S. *Southampton* Simon's bay, March 23, 1841.

Sir: I have had the honor to receive to-day your letter of the 20th inst., and with its inclosure, regarding the reprehensible conduct of an officer belonging to her majesty's brig Curlew, while boarding and examining the brig "Cherokee," under the flag of the United States, and feel extreme regret that any officer under my orders should have acted in the manner complained of by Mr. Webb. A strict investigation of the matter shall be made on the earliest opportunity; and, should I find the complaint established, I shall certainly inflict a severe reproof upon the offender, my instructions to the squadron on assuming this command being that every proper moderation and courtesy should be observed in performing the unpleasant duty of boarding and examining vessels of friendly nations, and especially those of the United States.

It is gratifying for me to observe the temperate language used by Mr. Webb in his representation, and the friendly consideration you have expressed for Lieut. Ross, while bringing the subject under notice. I will have the honor to sign my obedient servant,

E. D. KING.

Rear admiral and commander-in-chief.

THE GROGAN CORRESPONDENCE. The Montpelier Watchman publishes the correspondence between Governor Jenison of Canada, and Sir Richard Jackson, acting governor of Canada, on the subject of the arrest of James W. Grogan.

Governor Jenison wrote on the 20th of September, briefly describing the outrage, and requesting immediate investigation and the release of Grogan.

Sir Richard Jackson wrote in reply on the 6th of October at Kingston, that immediately on receiving intelligence of the transaction, and before receiving the letter of Governor Jenison, he had directed the matter to be investigated, with orders for the immediate release of Grogan, if it should appear that he had been seized within the United States.

On the same day Sir Richard wrote again, as follows:

Government House, Kingston, October 6, 1841.

Sir: Since I addressed to your excellency my despatch of this morning, I have received from the law officer of the crown at Montreal a report, from which it appears that the evidence which they had obtained on the subject proved that Grogan's arrest took place, as was alleged, within the territory of the U. S. In conformity, therefore, with their instructions, they had taken steps for setting Grogan at liberty, and conveying him to the frontier in the neighborhood of which he was arrested. I am informed that Grogan left Montreal accordingly on the 4th inst.

I beg to assure your excellency that I shall nevertheless continue the investigation which I have directed; and if the information conveyed to your excellency that officers or soldiers in her majesty's service were implicated in this affair should prove correct, I shall not fail to visit the officers with the strictest rigor. I have the honor to be, &c. R. JACKSON.

His Excellency S. H. Jenison.

FAILURE OF THE TREATY NEGOTIATIONS WITH THE SACS AND FOXES. The

St. Louis Republican of the 19th ult. says: "By the return of Mr. Crawford and other gentlemen from the agency of the Sioux and Foxes, on the Iowa river, we learn that the attempt of Gov. Chambers and Gov. Doty to treat with them for their lands within Iowa territory was unsuccessful. The Indians positively refused to even entertain the proposition for a sale, although they were deemed liberal. A good deal of feeling prevailed amongst the citizens in the State, as the treaty excludes all present hopes of enlarging the territory of Iowa, and leaves the frontier exposed to annoyance from the Indians; and the Indians, in their turn, are exposed to all the corruptions and impositions of a frontier settlement. A company of dragoons was left at the agency to preserve order and protect the Indians for a time. Their salaries for two years, amounting to eighty-two thousand dollars, were paid them."

THE ARMY.

DEATHS IN FLORIDA. The Savannah Georgian, of the 1st inst. brings the melancholy intelligence that it was very sickly at St. Augustine, and that some of our officers have fallen victims to the disease.

Major Brown, paymaster, a promising officer, and son of the late Gen. Brown, of the army, died on the 24th of October.

Captain Garner, of the 3d artillery, died at Philadelphia on the 23d October, and was buried on the 24th ult.

Colonel Downing, late Delegate, also died at St. Augustine on the 24th ultimo.

Two soldiers have also died.

The U. S. steamer Newbern, Capt. McNulty, arrived at Savannah, on Saturday the 30th ult. from Florida. The correspondents of the Savannah Republican writes:

St. Augustine, Oct. 26, 1841. GENTLEMEN: I have no military intelligence to give you. Our latest information from Tampa is favorable. Lieut. B. Bragg and his company E, 3d artillery, left yesterday morning in the Gaston for Fort Pierce. To-morrow the *Clas Downing* will have fallen victim to the disease. J. L. Vinton's company to the same place. These movements are preparatory to a scout in the direction of Mr. Samuel Jones' head quarters, if his whereabouts can be ascertained.

Palatka, October 28, 1841. GENTLEMEN: We have good news from Tampa—very good news. Tigertail was the principal portion of his people has come in, and the remainder of his band are on their way to Tampa. Tigertail, accompanied by Alligator, who has recently arrived from the west, has gone out after those who broke off from him.

The 4th infantry, under Lieut. Col. GARLAND, has arrived at Tampa with an important Creek chief. This regiment has gone to middle Florida, to take part in the collection of the refugee Creeks now about the Osage-locks. The prospect of closing the war continues bright and a few months more will decide the long mooted question. In haste, yours, &c.

THE NAVY.

BOOKS DRY DOCK. It is gratifying to learn that arrangements are making in the navy yard for the construction of the long contemplated dry dock.

The late efficient secretary of the navy, has evidently made an excellent selection of civil engineer, Charles H. Courtenay, esq. a very intelligent and scientific gentleman, in all respects worthy the best regard of our citizens.

The business of making contracts is devolved by the commissioners of the navy upon the navy agent, Robert C. Wetmore, esq. who is alone responsible for fidelity in this department.

The dock will probably be completed in about five years with an expenditure of about twelve hundred thousand dollars. [Brooklyn News.

FROM THE PACIFIC. Arrival of the Constitution—*old Ironsides*.—We learn from the United States Gazette that the U. S. frigate Constitution, (late the flagship of the late Commodore CLAXTON,) arrived in Hampton roads on Thursday last, 110 days from Lima, Peru via Rio de Janeiro, Brazil, 45 days from the latter place. Mr. DuRoi, Brazilian minister to Peru, came passenger in the Constitution to Rio de Janeiro.

The Constitution left Callao on the 11th of July last. The U. S. ship Dale, and schooner Shark accompanied her two days out. The Dale returned to Callao, and the Shark sailed for Valparaiso and Talcahuana. All well.

The following changes of officers took place previous to the vessels separating—Lieut. James P. Brown, exchanged with Lieut. W. M. Brewster, of the Dale. Lieut. B. exchanging with Lieut. W. A. Wirt, of the Shark; Lieut. W. joining the Constitution. Passed midshipman M. Hunt, of the Shark, exchanged with midshipman J. Cooper, of the C.

Midshipman J. S. Maury, ordered from Shark to Constitution. Midshipman W. W. Fisk joined the C. from the store ship Relief. The Shark was left at Callao, all well. The St. Louis was on the west coast of Mexico. The Yorktown had sailed for Sandwich islands.

At the time of the Constitution's leaving Peru, the political state of the country was quiet, the "Evenco revolution" having been put down by Gen. Gamara and his party, with the army at their command, amidst much bloodshed; the year, though the opposition was gaining strength.

A revolution had taken place in Bolivia, whence more placed Gen. Santa Cruz as president of that republic.

The Constitution left Rio Janeiro on the 15th of September, left there the U. S. frigate Potomac, sloop Marion and schooner Enterprise, all well.—The two latter just in from a cruise.

Commodore Charles G. Ridgely, late commander of our naval force on the coast of Brazil, and his secretary G. P. Stevenson, esq. came passengers in the Constitution from Rio Janeiro.

The Commodore had been on a commission since January, 1839, and has returned home, that his crew may be paid off and discharged at the expiration of their three years' enlistment. Although a large number of her crew's term of service is out, there should be no complaints, as the term expired, generally, on the passage home.

We are glad that the government is paying attention to the important subject of having our vessels of war at home in time to discharge their crews when their term of enlistment (three years) has expired. It will tend to make the naval service popular. Our naval service is one of voluntary enlistment—therefore, when our seamen faithfully comply with their contract with the country, the government should not fail in theirs with the seamen, unless under very extraordinary circumstances, for which the law of congress of March 2d, 1837, provides.

The C. has been employed in the gulf of Mexico, West Indies, Brazil and Pacific oceans—has been at sea about four hundred days, and sailed over 50,000 miles. She has been an active cruiser, giving protection to our citizens and commerce wherever she went. We take occasion to welcome the return of the favorite old ship, and hope that ere long, the officers and crew will be with their families and friends. Attached to the ship is a list of the officers now on board the Constitution.

Captain—Daniel Turner, esq.

Commander—Edward W. Carpenter.

Lieutenants—Thomas D. Shaw, 1st; Wm. Smith,

2d; Peter Turner, 3d; William A. Wurts, 4th; Alexander Gibson, 5th; George M. McCreary, 6th.

Surgeons—Thomas Dillard.

Purser—McKean Buchanan.

Acting master—Lewis C. Sartori.

Lieutenant marines—Jabez C. Rich.

*Acting chaplain—John F. Girard.

Passed midshipman—M. Hunt, F. S. Haggerty.

Assistant surgeons—C. Maxwell, S. Jackson.

Midshipmen—W. C. B. Porter; C. Smith; C.

R. Jones; S. Bent; T. R. Keulock; J. P. McFarland;

W. W. Roberts; J. S. Maury; C. Hays; A. K.

Hughes; H. S. Arnold; *W. E. Hopkins; J. Day; R.

S. Renshaw; W. W. Polk; *E. Simpson; F. P. Wheel-

lock; J. F. Sperry.

Acting master mate—E. F. Olmstead.

Captain's clerk—G. Walker.

Boatswain—R. H. O'Neal.

Gunner—G. Newman.

Carpenter—J. Cahill.

Sail maker—N. B. Peed.

Purser's assistant—George C. Cordwell.

Note.—The officers marked thus * joined the

Constitution at Rio Janeiro, from the United States

frigate Potomac.

Herold office, New York, Nov. 1 & 6 P. M. The U. S. ship Cyane, commander Stridling, bound to the Pacific, got away from her naval anchorage on the 1st, with a fine breeze, and proceeded directly to the following is a list of the officers attached to the Cyane:

C. K. Stridling, esq. commander.

Lieutenants—J. L. Lardner, Alberto Griffith, Roger

Berry, C. B. Barton, B. F. Shattuck.

Surgeons—George Glynn.

Purser—J. D. Gibson.

Master—F. E. Baker.

Assistant surgeon—A. T. B. Garnett.

Midshipmen—Wm. F. Spicer, F. B. Brand, W.

D. Whiting, J. A. Forrest, J. K. Wilson, M. P.

Jones, H. G. D. Brown, Thomas H. Brown,

Foney, J. H. Russell, J. M. Brooke, Charles Latimer.

Professor of mathematics—John Clair.

Captain's clerk—H. Roberson.

Master's mate—Alexander Ramsay.

Boatswain—Elezur Foster.

Sailmaker—Eletius Middleton.

STATES OF THE UNION.

MAINE.

LEGISLATURE. The Augusta Age furnishes the following tabular account of the political character of the legislature of this state.

	No. of members.	F. B.	Whig.	No choice.	Not heard from.
York	31	17	3	1	0
Cumberland	27	19	8	0	0
Lincoln	25	12	12	1	0
Kennebec	22	5	15	2	0
Waldo	17	15	0	1	1
Hancock	12	11	1	0	0
Washington	11	9	2	0	0
Penobscot	19	12	6	1	0
Piscataquis	6	4	0	2	0
Somerset	14	7	5	2	0
Franklin	8	6	1	1	0
Oxford	15	11	2	2	0
Aroostook	3	2	0	0	1
SENATE	100	130	55	13	2
	31	25	4	2	
	231	155	59	15	75

Van Buren majority in the house, thus far
Do. do. senate
Do. do. in joint ballot, about

Of the Van Buren members elect, more than a majority of the whole house were chosen on the first trial.

The nomination of Judge Weston, as chief justice of this state, has been rejected by the executive council, by a vote of six says to one. The nomination of John S. Tenney, as associate justice, was confirmed.

NEW HAMPSHIRE.

A WHIG STATE CONVENTION was held at Concord on Thursday, 15th ult. at which gen. Joseph Low presided. The hon. Enoch Stevens, of Charlestown, was nominated as the whig candidate for governor, at the ensuing election.

An extensive ship builder at Portsmouth has failed for nearly 70,000 dollars. He shows bad debts to the amount of 45,000 dollars.

VERMONT.

BANKS. We subjoin the statements of the bank of Bennington, and of the General Bank and Bankers, from the report of the bank commissioner, who was appointed to examine the situation of the several banks of this state, not subject to the provision of the safe fund act:

BANK OF BENNINGTON.

	Liabilities.
Capital stock	\$87,770 00
Bills in circulation	169,962 00

\$257,732 00

Resources.

Notes discounted	\$158,965 53
Specie and bills of other banks	4,676 45
Due from other banks, and funds in Troy, New York, and Albany	88,400 04
Due on book	6,155 88
Banking house	3,992 34

\$258,190 24

August 23, 1841.
Of the notes discounted, there is the sum of \$25,722 00 in notes of long standing, some of which were secured by mortgage of real estate which has depreciated in value, and it is believed that the principal part of that amount will be lost.

BANK OF ORANGE COUNTY.

	Liabilities.
Capital stock	\$70,000 00
Bills in circulation	114,573 00
Deposits and unpaid drafts	4,935 99

\$189,508 99

Resources.

Notes discounted and due on book	\$126,097 72
Suspended debts	17,965 20
Specie and bills of other banks	14,250 21
Deposits in Boston	37,250 75
Drafts on Boston forwarded	11,100 34
Stock in Market Bank	4,500 00
Real estate	2,000 00

\$203,164 22

Oct. 12, 1841.

BANK OF BURLINGTON.

Bills in circulation	110,877 00
Deposits unpaid	827 76
Deposits	25,392 47

\$137,097 23

Resources.

Discounted notes and bills of exchange	\$252,043 02
Due from state of Vermont	5,000 00
Deposits in Boston, Troy and New York	24,640 92
Bills of other banks and specie	25,766 69
Banking house	10,558 42

\$316,009 55

Sept. 2, 1841.
The bank of Windsor has not done any business for the past year, except in the collection of the debts due the bank, and the redemption of its bills presented for payment. A severe failure is now pending in Windsor county against the bank, and a final judgment thereon may be expected at the next term of the supreme court in that county.

From the message of Governor FARNIS, to the legislature of this state, now in session, we copy the following paragraphs, relating to the institutions and politics of the union:

"The attention of the people of the whole union has been directed, by events which have occurred within the last few years, to certain amendments which are deemed essential in the federal constitution. The undue stimulus to ambition which is thought to be supplied by the prospect of the presidential office being enjoyed by its occupants for a second term of four years, has created great alarm at the balance of the powers of the general government. Experience has certainly proved that if there is any danger of that balance being destroyed, it arises from the constant efforts of the executive department to extend its patronage and power. That such efforts have frequently been made to enable the president to secure a re-election, can hardly be doubted; and it is to be feared that they will continue to do so often made, so long as human nature remains unchanged."

"A general complaint, arising from the same well-grounded apprehension, exists as to the president's power of removal from office. The constitution directly gives him no such power, but he has been allowed to take it by implication. It is difficult to imagine how it should ever have been derived from that provision in the constitution which authorizes him to nominate, "and by and with the advice and consent of the senate to appoint," all officers."

"The president and senate are jointly made the appointing power, and in the absence of all other provisions on the subject, one would have supposed they must also be jointly the removing power. But the president claims to exercise it alone, and more frequently exercises it without any cause, except for the political opinions of those removed, than from an impartial regard to the faithful performance of the public service, which forms the sole argument in favor of its existence. For if the constitution designed to give such a power to the president, it must have been for the purpose of enabling him to make removals required by the public good. But that has been perverted to a totally different purpose—that of enabling him to reward his supporters, strengthen his influence, and secure his own re-election."

"Another similar subject, to which I would invite your particular attention, is the power of the president to veto bills which have been passed by both houses of congress. This is the only monarchical feature in our form of government, and it is difficult to understand how it should ever have been conferred upon republican institutions. It was probably taken without much reflection as to its consequences, from the British constitution, which vests a similar power in the king, but only to protect his own prerogative from encroachment. Even for this purpose, however, it has not been exercised by him for more than two centuries. The early settlers of Vermont were too jealous of liberty to allow such a power any place in our constitution."

"To form a just notion of the magnitude of the veto power, as it may be exercised by the president, we must keep constantly in view that to prevent the passage of wholesome and necessary laws is as bad to mankind as laws might be as properly entrusted to the president as the power to prevent all laws. The history of all legislation proves that a majority of two-thirds can seldom be obtained on disputed questions; and to allow the president to resist the enactment of such laws as he pleases, unless passed by so large a majority, is in effect to repose in one man the power of the entire power of legislation. But the president not only claims the right to exercise the veto

power whenever he pleases, but to exercise it as he pleases. The power of the president is not to be controlled by his predecessors. He appears to be uncontrolled in his exercise, either by law or precedent, and to have nothing to consult but his own conscience, and nothing to regard but his own character for consistency."

"If he is right, we may bid farewell to all stability in our institutions. Every four years the laws of the country may be changed, and its business embarrassed and destroyed by the constitutional scruples of a new president. The bank of the bank the distribution of the revenue from the public lands, internal improvement, all the great measures for the welfare of the country, will be constitutional or unconstitutional just as the president may happen to be selected from one part of the union or the other."

"I submit to your consideration whether it is not expedient to propose an amendment of the constitution, which shall render the president ineligible to a re-election, and which shall modify his powers of removal from office, and of preventing the passage of laws by congress."

"For myself, I confess that I cannot doubt that, if such an amendment should be adopted by the requisite number of states, it would greatly contribute to perpetuate our free government."

RHODE ISLAND.

The general assembly of this state adjourned on Friday last, after a session of three and a half days. The business transacted was principally of a private nature. One of the most exciting topics discussed was upon the bill to repeal a portion of the act passed last June, in relation to the rights of married women in certain cases. It was alleged that this act was passed by improper means; that the general assembly had been imposed upon by its passage; and that, under the guise of a general law, it was framed to apply to the case of Madame d'Hauterville, and that this lady had, immediately after the passage of the law, taken up her residence in Newport, in order to avail herself of its provisions.

NEW YORK.

ELECTION. The annual election for representatives and a portion of the senators of the state legislature took place on Tuesday and Wednesday last. The returns have reached us to make it certain that a majority of Van Buren members are elected to the house—the Van Buren senators are elected in the city of New York by about 90 majority, and probably the whole of their ticket. Albany gives a Van Buren majority of over 300. The river counties have all increased their Van Buren majorities.

ASSESSED VALUE OF REAL AND PERSONAL ESTATE IN THE CITY OF NEW YORK. From a statement prepared by Alfred A. Smith, esq. comptroller, we derive the following schedule of real and personal property in this city, as assessed in 1840 and 1841.

	Assessment of 1840.		Assessment of 1841.	
	Real estate.	Personal estate.	Real estate.	Personal estate.
	Dollars.	Dollars.	Dollars.	Dollars.
1	32,502,000	27,976,549	32,141,785	27,540,404
2	14,927,600	1,928,812	15,015,500	1,932,583
3	12,105,500	5,155,610	12,134,900	5,871,610
4	8,485,005	1,390,550	8,733,440	1,880,037
5	9,460,235	1,046,193	9,456,190	2,856,106
6	7,735,600	2,362,378	7,979,750	1,824,900
7	10,621,425	4,670,421	11,209,656	4,766,295
8	10,908,100	2,340,658	11,384,100	2,073,707
9	8,652,450	1,129,135	8,991,590	1,194,100
10	6,139,830	718,800	6,163,000	736,400
11	3,824,400	1,096,800	3,921,660	956,800
12	9,112,200	2,952,500	7,622,953	1,766,150
13	961,350	9,000	564,376	
14	4,347,000	307,054	4,883,800	236,154
15	6,844,800	1,917,473	6,899,300	1,835,535
16	14,130,700	8,632,467	14,361,590	8,669,524
17			11,832,090	682,306
18	17,054,500	863,630	11,650,600	5,000
19			2,570,943	44,000
20			9,708,700	1,429,621
21	187,130,464	54,721,697	186,347,166	65,430,456
Aggregate of 1840			\$252,842,161	
1841			251,777,702	

Total decrease, \$1,064,459
of which \$783,215 is in real estate, and \$281,244 in personal estate.

In 1839, the valuation of real estate was \$266,940,134 dollars, and personal, \$65,942,297. Total, \$322,882,431. Excess above the valuation of the present year, \$15,104,729.

In 1836, when speculation was at its height, the value of real estate was \$3,409,500,920; being an excess of \$57,723,218 over the valuation of the present year.

In 1835, the assessed value of real estate was 143,732,425 dollars; personal, 74,991,378 dollars.—Total, 218,003,603; being \$33,053,999 less than the valuation of the present year.

The increase of valuation in 1836, compared with 1835, was \$90,777,217.

The following table shows the aggregate assessed value of real and personal estate in this city in each year from 1805 to the present time:

Years.	Valuation.	Years.	Valuation.
1805	\$5,641,000	1825	\$3,057,676
1806	26,529,320	1826	101,160,046
1807	24,938,955	1826	107,477,781
1808	25,118,720	1827	112,211,936
1809	24,782,267	1828	114,019,313
1810	25,496,370	1829	112,336,016
1811	26,045,720	1830	125,285,518
1812	26,245,049	1831	129,230,214
1813	27,640,290	1832	146,302,619
1814	82,301,497	1833	166,491,552
1815	81,636,042	1834	166,548,511
1816	82,074,200	1835	188,733,703
1817	78,295,735	1836	308,500,920
1818	80,245,091	1837	263,747,350
1819	79,113,061	1838	264,152,941
1820	69,530,753	1839	267,883,431
1821	68,285,070	1840	252,842,161
1822	71,289,144	1841	321,777,702
1823	70,940,800		

In looking at this table, one cannot fail to be surprised at the rapid increase of value from year to year, though with occasional fluctuations, as was to be expected. The valuation of the present year, notwithstanding the depression in prices so much complained of, is larger than in any year prior to 1820; it is double that of 1806, and more than treble that of 1824, or any previous year. It is ten times the valuation of 1809. So much for the "ruined city," which, by the very process of being ruined, has become the financial, as it long had been the commercial centre of the country. Its population has increased nearly as fast as its wealth; having more than trebled in the last 30 years.

[N. Y. Jour. of Com.]

MILITARY CONVENTION. The Albany Argus of Friday contains the proceedings of a military convention held at Rome, in this state on the fifteenth instant. One object of the convention was to take measures for the more efficient action of the militia system.

The general convention of the Protestant Episcopal church of the United States, which convened and organized in this city on the 6th inst., will, in all probability, terminate its session this day. Their next meeting, we understand, will be held in the city of Baltimore in the year 1844.

The pulpits of the Episcopal church throughout our city were yesterday filled by distinguished clergymen and bishops from abroad. The venerable Bishop Moore, of Virginia, formerly rector of St. Stephen's, in this city, and upwards of eighty years of age, preached in Christ's church, in Anthony street, in the morning, with the same vigor, earnestness and pathos which we are told, characterized his discourses thirty years ago. Bishop McIlvaine, from Ohio, preached in St. Stephen's in the evening, with the usually impressive and eloquent manner; but what may be considered very improper treatment to a stranger, had his overcoat stolen from the vestry-room of the church while he was preaching.

In the evening several interesting addresses were delivered in St. Paul's on the subject of education on Christian principles, among the distinguished speakers on the occasion were Bishops DeLancy from western New York, Otey from Tennessee, Folk from the south western states, and Drs. Hawks, Wainwright and Eastburn. [Tribune.]

HEAVY DAMAGES. In the supreme court in New York, on Saturday, before Judge Oakley, Peter Fawcett recovered of the Richmond Turnpike corporation a verdict of \$4,600 damages; sustained by the loss of his child, caused by an accident on board the steamboat Sampson, in the harbor of New York, on the 4th July, 1839.

NEW JERSEY.

GOV. PENNINGTON'S MESSAGE. We have before us the message of Gov. Pennington to the legislature of this state. It is a document worthy a distinguished chief magistrate.

Gov. F. recommends that the constitution be so altered as to separate the office of governor and chan-

cellor, but he expresses a doubt whether any advantage would result from any other alteration in the constitution.

Attention is asked to the relations of the state with the Camden and Ansbury rail road company, touching a misunderstanding as to the amount payable to the state for transit duties. There is also some misunderstanding with the New Jersey rail road company, arising out of the connection of the two rail roads.

The Morris canal and banking company have not paid their tax, because they have not been acting as a banking company.

Reference is then made to the state of the banks of that commonwealth, which appear to be influenced by those of Pennsylvania or New York, or according to some, by the latter. He thinks more personal responsibility should be imposed upon the directors or stockholders of banks.

The governor refers to the subject of resumption with caution. It is desirable that all the banks should resume as early as possible, but care should be taken not to produce mischief by sudden coercion—at all events, the circulation should be limited.

It is deemed best not to dispense with the state tax; but when the proceeds of public lands shall be distributed, there can be no doubt that the law imposing such tax, (very small at present) may be repealed.

The state prison has been admirably managed.—Its income now exceeds its expenses by five hundred dollars a month.

Kind reference is made to the subject of public schools.

Reference is then made to certain national subjects, and to certain bigoted claims of land in East Jersey—and the message thus graciously closes.

"As no subject of a political character seems likely to arise to disturb the harmony of your session, I cherish the hope that you will be able to discharge the responsible trust confided to you without any unnecessary delay, and bring your labors to a speedy close. I respectfully suggest that you turn to the former user of holding but one session is desirable and in accordance with the wishes of your constituents. It is my fervent desire, gentlemen, that your deliberations may result in promoting the best interests of the people, and that the same kind Providence which has protected the commonwealth in whom is all our hope, will still continue to bless and prosper our efforts for the security and advancement of our common country."

—WM. PENNINGTON.

"Trenton, Oct. 26, 1841."

THE CORRESPONDENT of this state happening to have at an equal number of whigs and Van Buren members, the parties agreed to compromise for selection of officers, a Van Buren member was elected president of the council, a whig elected clerk, and so on—but this temporary harmony was of brief existence. The governor and several of the principal officers of the state are elected by joint ballot of the two branches. On a resolution being proposed to go into joint meeting of the two houses for that purpose, the Van Buren members in council joined by one of the whigs, which gave them a majority in that body, negatived the proposition and for several days continued to resist all attempts to go into joint meeting. On an adjournment being taken, the whigs, however, negatived the executive duties of the governor, in the council. A difficulty persisted itself however, in the fact that the constitution of the state makes "the governor and council" constitute the court of appeals; the absence of the governor left the court unable to act, a very unpleasant feeling between the parties ensued. Some of the Van Buren senators at length abandoned their opposition to a joint meeting, and on Tuesday evening last the two houses met and proceeded to ballot.—Governor PENNINGTON was re-elected by a majority of 14 votes.

For Pennington

For Voorhoeve

44

30

We take from the Newark Daily Advertiser of last evening the following postscript, announcing the proceedings of yesterday morning at Trenton.

Joint meeting this afternoon. We stop the press to announce that the council resolved this morning, by a vote of 12 to 6, to meet the house in joint meeting this afternoon at 3 o'clock, for the appointment of a governor and other officers.—Messrs M. D. Canfield, of Atlantic, S. D. Canfield of Passaic and Mr. Newell, of Salem, in opposition, insisted on voting for it, and Mr. Scott also voting this time for the whigs. Dr. Canfield of Atlantic, when the resolution was offered by Mr. Iwick, of Burlington, rose and unequivocally declared his solemn conviction that he was bound by his oath under the constitution to vote for

a joint meeting, and that he should discharge his duty, though it was as he knew, as to desert his party, and might be regarded as a desertion from the democracy, of which, nevertheless, he was still, as he always had been, and always expected to be a firm adherent and advocate.

But he would not—could not violate his solemn conviction of an inalienable duty, and if any thought he was driven to do so by intimidation they would find themselves, to their amazement, mistaken in the man. His manner was deliberate, firm and dignified. Dr. Lilly said he was individually in favor of a joint meeting, but as a representative of democratic Hunterdon went go against it. Whereupon Mr. Patterson, of Monmouth, announced that he was virtually instructed to go against it, and to reject Gov. Pennington, and was called to order several times in the midst of the most abusive tirade, by Major Chetwood, but was nevertheless permitted by the chair to discharge his venom.

Colonel Scott's name having been favorably referred to by Mr. Patterson, he rose to say that he was still compelled to vote for the meeting and regretted the use of personalities. The vice president (Mr. Cassedy), remarked that he was not ready to go into joint meeting, and then put the question.

PENNSYLVANIA.

ELECTION. But the special returns from the whole state, with the exception of McKean, in which we have merely the majority. The entire vote, it will be seen, is about the same as at the governor's election of 1838.

	1838.	1841.		1838.	1841.
Countries.	Porter.	Ritter.	Porter.	Banks.	
Adams	1,535	3,301	1,589	1,941	
Armstrong	2,781	1,519	1,822	1,066	
Allegheny	4,505	6,038	4,281	5,098	
Beaver	1,931	2,457	1,751	2,158	
Bedford	2,384	2,290	2,550	2,261	
Berks	7,301	3,215	7,495	2,925	
Bucks	2,450	2,219	2,765	2,143	
Bradford	4,553	4,147	4,412	4,066	
Butler	1,653	1,700	1,674	1,716	
Cambria	844	762	874	810	
Centre	2,589	1,467	2,300	1,126	
Chester	4,527	4,971	4,565	4,711	
Clelland	792	474			
Clinton, (new county, part of Lycoming and Centre)			886	619	
Clarion, (part of Armstrong and Venango)			1,500	555	
Columbia	2,616	1,088	2,569	1,103	
Crawford	2,304	1,857	2,815	2,099	
Cumberland	2,743	2,316	2,721	1,897	
Dauphin	1,944	2,243	2,249	2,649	
Delaware	1,263	1,731	1,289	1,578	
Erie	1,565	2,747	1,855	2,956	
Fayette	2,788	1,984	2,749	1,812	
Franklin	2,815	2,560	2,779	2,636	
Greene	1,192	1,160	1,763	949	
Huntingdon	2,761	3,687	2,551	3,258	
Indiana	1,262	1,723	1,195	1,557	
Jefferson	591	421	678	447	
Juniata	1,049	863	971	868	
Lancaster	5,503	8,558	4,914	8,085	
Lebanon	1,553	2,222	1,542	1,840	
Luzerne	2,460	3,340	2,553	2,929	
Mechanic	3,132	2,592	3,426	2,194	
Lycoming	2,496	1,556	2,261	1,393	
McKean	219	127	100		
Mercer	2,325	2,935	2,318	2,762	
Monroe	1,223	366	1,293	269	
Montgomery	4,438	3,71	4,402	3,414	
Mifflin	1,177	1,109	1,234	1,124	
Northumberland	2,144	1,164	2,162	1,143	
Northampton	3,635	2,566	3,467	2,302	
Perry	1,916	883	1,827	870	
Philadelphia city	3,155	7,303	4,380	5,930	
Philadelphia co.	7,982	6,187	11,099	7,348	
Pike	586	117	541		
Potter	276	68	365	145	
Schuylkill	2,271	1,508	2,408	1,415	
Somerset	883	2,244	792	1,853	
Susquehanna	1,530	1,964	1,962	1,152	
Tioga	1,448	594	1,598	575	
Union	2,570	1,567	2,568	2,132	
Venango	1,765	828	1,208	754	
Warren	700	542	963	628	
Washington	3,460	3,528	3,434	3,291	
Wayne	1,062	538	1,167	553	
Westmoreland	4,561	2,315	4,080	2,135	
York	4,196	3,825	3,825	2,429	

130,916 122,230 136,435 113,374

122,230 113,374

Porter's maj. 8,686 Porter's maj. 39,961

IRON ORE, of a superior quality, has been found below Lewisburg, on the west branch of the Susquehanna river. The Miltoonia justly remarks—

"The resources of Pennsylvania are immense, and when her mineral wealth is fully developed, she will be superior in these respects to any country on the globe. The wealth of our state has not been half told; and centuries will pass away, before her mountains—her hills and her valleys, will fully reveal the extent of her treasures."

PHILADELPHIA COMMERCE. Notwithstanding the unfavorable state of our commercial relations for the last year or two, it is consolatory to know, that there has been a manifest improvement in the commerce of the city. The commerce has upon the whole been good, and the foreign may be judged of from the fact, that the duties paid or secured at the custom house for the first three quarters of the present year, exceed the amount so paid or secured during the whole of last year (1840). [U. S. Gazette.

MARYLAND.

MANUAL LABOR SCHOOL. The first experiment of this kind in this country which we know of in this state, was commenced about a year since by an association formed for the purpose of establishing a Baltimore Manual Labor school for orphans. The directors purchased a farm of 135 acres about six miles from the city, lying between the Washington and Frederick turnpike roads, on which there was a good stone house; not more than sufficient however to accommodate a family of moderate number. Notwithstanding the narrow accommodations, the directors have received children in peculiarly destitute circumstances, (one a fine boy of about twelve years of age, having literally no home to sleep in but the school house; the number of fourteen; have employed a competent teacher to instruct them; and it is confidently believed that no subscriber can visit the school, and contemplate those children in their present state, and learn the condition from which they have been rescued, without projecting in the thought that he has contributed to the redemption of results so beneficial to the community, and so grateful to every feeling of humanity.

The farm has also been manured and cultivated, and considerable crops of vegetables and other articles suitable for the consumption of the school have been produced. A house calculated to accommodate fifty boys has just been completed, and will be ready for occupancy as soon as the plaster shall have dried sufficiently. This building is not near as large as the directors wished, but they thought it safer to consult their limited means, than to venture into debt and thus jeopard the whole enterprise.

The report of the directors represents the enterprise as well worthy of public countenance and certainly as worthy of objects seem to present more claims to support. The agricultural improvement of the country will at no distant period owe as much to such nuclei as for a scientific education in that healthiest and happiest of human pursuits, as the military will owe to the academy appropriated to their pursuit, or the navy to the schools recently instituted for the instruction of apprentices in that department of life. In agriculture how wide is the field for improvement—how vast the advantages that science may be made to contribute towards its product of blessings.

IMPORTANT TO MAGISTRATES. The county court for Allegany, at its late session, has decided that all warrants of a general nature are *illegal*, that they must run thus: "*before* the subscriber, *and* the undersigned plaintiff, to be returned before any other magistrate, his name must be inserted in the body of the warrant instead of "me the subscriber."

VIRGINIA.

ELECTION. The special election for a state senator in the northwestern district of the state has resulted in the election of the Van Buren candidate by a majority of 53. The returns are all in, and they stand as follows in the several counties.

Brooke county	113	323
Ohio "	896	267
Marshall "	854	423
Tyler "	198	393

1,356 1,409

By this result the senate will remain equally divided between the whig and Van Buren parties.

EXPORTS. Total value of foreign and coastwise exports from the ports of Richmond and City Point, for the year ending September 30th, \$9,313,089—much the greater portion being tobacco. That article exported in hogheads alone, and valued at the rate of \$125 per hoghead, was shipped to the extent

of \$4,305,312. The flour exported, amounted to \$237,287.

UNIVERSITY. The unfortunate events which marked the last session, in the vacation, with short an interval, of the three principal chairs, and the embarrassments inseparable from the appointment of such a number of new and untried professors, united with the extraordinary difficulties of the times, which are especially felt in the southern states, whence so liberal a quota of students is always supplied, might have been expected to exert an influence peculiarly unfavorable to the prospects of the session which has lately begun. We are gratified, however, to find that these causes have not operated materially to the prejudice of the institution. There are, we learn from the proctor, one hundred and fifty-eight matriculates, besides others in attendance, who may be expected formally to enter at an early day. This is, we learn, but little if at all below the average, at any early period of the session. It is more compatible with the convenience of many to enter in January, and hence the highest number is usually found to be in attendance just subsequent to that period. The new professors have entered upon the discharge of their respective duties, with the exception of Professor Sylvester of London, appointed to the chair of mathematics, whose arrival is no doubt protracted in consequence of the late period at which his election was communicated to him, and the arrangements incident to his removal to a residence so distant. We believe he is daily expected. [Virginia Herald.

LOUISIANA.

EPISCOPAL BISHOP. Among the interesting proceedings of the Episcopal convention, lately held at New York, there was one of especial moment to the church in the diocese of Louisiana, of which we do not recollect to have seen any notice in the press. The church in that diocese has hitherto been deficient in the number of the clergy, though it is believed that a large proportion of the population emigrant to that state, especially to New Orleans, is attached to the Episcopal form of religious worship.

Under this impression, the diocesan convention in Louisiana, at its late session, as we are informed, held in May last, memorialized the house of bishops to appoint a bishop for that diocese,—and the request having met the cordial and unanimous approbation of both bodies composing the convention,—the right rev. Leonidas Polk, late missionary bishop to Arkansas, was unanimously appointed bishop of Louisiana. It is to be noted that this appointment will be particularly acceptable to the diocese of Louisiana.—Bishop Polk has lately become a citizen of that state; and his zeal, intelligence and devotion to his sacred calling, give promise of extensive usefulness.

[Philad. Nat. Gaz.

THE NEW ORLEANS BANKS. The situation of the banks in New Orleans on the 2d of October, was as follows:

	Discounts and Loans.	Circulation.	Specie.
N. O. Canal and banking company	3,921,958	450,940	164,426
Carrollton R. R. and banking co.	1,395,174	257,030	44,163
Citizens bank of Louisiana	9,988,992	494,540	604,143
City bank of New Orleans	2,785,532	445,350	371,280
Commercial bank of N. Orleans		693,895	195,117
Consolidated association	3,342,929	561,620	346,710
Exchange and banking company	743,280	292,570	82,367
Gas Light and banking company	2,266,877	12,600	3,928
Improvement and bkg company	1,193,348	519,770	30,372
Bank of Louisiana	4,774,962	193,725	351,944
Louisiana state bank	2,651,351	390,111	325,034
Mechanics' and Traders' bank	2,522,563	547,530	94,461
Merchants' bank			
Bank of Orleans	874,100	245,436	58,521
Union bk of Louisiana	9,105,012	729,390	453,761
Atchafalaya bank	906,000	297,950	82,087
Total	46,333,088	6,105,373	1,305,309
Deduct notes held by different banks			1,555,092
Actual circulation			4,550,371

ARKANSAS.

HORRID OUTRAGE. Some Texas marauders lately crossed over the line and took forcible possession of a citizen in the parish of Caldas. After they had carried him into the territory of Texas, it was pro-

posed to bury him alive. With this intention a grave was dug—the unfortunate man being a witness to their proceedings. He stood helpless, counting each shovel full of earth at the quick termination of his life surrounded by a gang of desperadoes ready to crush him beneath the elod, and from whose sentence, escape was death. Overpowered with the frightful fate before him, he bounded from his keepers into an adjacent thicket, and there he lay, and there he lay a lifeless corpse, a victim to the insecurity of our border protection. His body, after being cut up, was hung upon the branches of the neighboring trees, there to meet the gaze of the traveler and tell him of a new mode of punishing the bounds of law, or of human authority; but like the howling beasts of the wilderness, would snap the fragile cords of life, if interest once stirred up the fatal ire of their wrath upon him whose voice dare rise against their iniquities. The deceased man, whose name was Boatright, had thus offered himself to his death, with other of his fellow citizens, declared himself to be openly opposed to them, and as might have been expected in a country like ours where from the sparseness of frontier population, the avenues to the wrath of banditti are wide open, the unfortunate man had to forfeit his life and a portion of his property to the hands of these citizens of our border country have witnessed these men under the name of regulators and moderators, committing in the territory of Texas some of the most barbarous cruelties of the 19th century.

The country on our border towards the 33d degree of latitude, is the principal scene of action, and it is but a few years since that a man, an American, who had shipped to New Orleans to one of their towns, a large assortment of groceries and dry goods, was routed out, and his goods forcibly taken off the act. Nothing was ever done about it, and the act is now almost forgotten. A while ago, one of the captains of the regulators, and a man that was with him, was shot in a small village by the name of Tugansport. The captain and the person with him, had not long been gone from the store where they had been making a purchase, when a discharge of muskets was heard by the storekeeper. He rushed out, and soon discovered the two bodies lying on the ground;—where they lay he stood, and he was left to enquire the cause of their death. Examining minutely the place around, it was not long before he discovered on the earth, beneath two fallen trees, the impress of five or six men; and it thus appears that these two men had been shot down without quarrel or fight, without any intimation of their most cruel determination. In view of their crimes we cannot wonder why Boatright, or any other American citizen should have expressed their dissatisfaction.—But we shall not seek arguments to prove what the bare facts evince; and we call upon the friends of this man and the citizens generally, to bring this act before the government, and let it claim their attention. The subject is one certainly that ought to demand its highest consideration. [Natchitoches Herald.

JUSTICE TO ARKANSAS. A wrong impression has gone forth, and has been circulated throughout the union, that the citizens of Arkansas were engaged in the horrid massacre on the islands between Arkansas and Mississippi, when the facts are, that not a citizen of Arkansas was in any way or at any time concerned in the dreadful and appalling outrage. It is unjust that Arkansas should suffer disgrace from the criminal deeds of her neighbors. We are aware that the name Arkansas has long been, by the humorists, associated with big bear stories, eccentric feats of border heroes and hunters, among the wild animals of our prairies; and by the ignorantly serious has been, in their rehearsal of wonderful tales, the place of deeds of lawless barbarity; until, among the more wise and better informed, impressions are almost established permanently, that Arkansas is a place where no law is recognised but *Lynch law*, and no rights acknowledged unless maintained by brute force.

The following statement of facts has been furnished us by one whose domestic life is devoted to duty, and who resides in Desha county, Arkansas, near the place where the bloody deeds were perpetrated.—He states that the sheriff of Coahoma county, Mississippi, Mr. Poindexter, came along in Mr. Burgess' trading boat, bringing with him a posse of the citizens of that county, and stopped at a house near the mouth of the river, when, upon the request of the sheriff, three more persons from there, and one from the head of island No. 66, went along with him to assist in taking Hugh Tully and his accomplices; and after they were taken, they (the four men) returned up on this side to their homes, leaving nine prisoners in the boat. In the evening the sheriff and his posse, at Lunfords landing, at the head of island No. 68, where the sheriff proceeded with his prisoners to the mouth of

Stoke's bayou, in the bend, opposite island No. 69, where an altercation took place between the sheriff and this mob about the manner of disposing of their prisoners, when the legal process was wrested from the sheriff by force, and he and part of his posse, citizens of Concho county, were compelled to leave the place, and his prisoners in the hands of a lawless mob; who by this time had seized two more men as culprits, at a Mr. Hennington's on the Mississippi side of the river, about three miles below.

The principal male heads of this mob were, Hector McNeal, Charles B. Harrod, J. W. Lunsford, W. J. Howerton, Jos. Miller, Jos. McCloy, Dank Richmond, Farrow & Spears, (two justices of the peace.) Keats, McNeal's overseer, Mr. Parker, a Mr. Tanner and his two sons, John and Simon. These compelled others to join them whose names are not known.

And after deliberating some time on the course to pursue, they took all the prisoners but eight, whose names are Hugh Tully, Hugh Elliot, Joseph Meritt, Andrew McLaughlin, Lophus Kingston, Joseph Cotton, Hunter, (Tully's son-in-law), and a man by the name of Pollock, (whom they left in the boat), on shore, to the bridge on the county road, where they whipped some of them and turned them loose; and then the mob returned to the boat in which were the eight remaining prisoners, and rowed it out from shore and threw them overboard, hand and foot, and drowned the whole of them. Since which time, the same men have been before the eyes of the mob, have collected a band of drunken outlaws, and are now patrolling the country, riding up and down burning houses, and committing outrages upon those of the inhabitants that did not join them in their acts of villainy. They have driven many away from their houses and lands, and plundered their goods, dividing the spoils, setting them up at auction under mock executions, and distributing the proceeds among themselves after the manner of freebooters.

They have written several letters to some of the most respectable citizens of Desha and Phillips counties, in this state, even to Judge Lacy, associate chief justice of the state of Arkansas, threatening them with death if they should attempt to demand justice, or even complain of the outrage, or in any way attempt to expose them in their crimes. All along the river the people are apprehensive of nightly attacks from the murderers, who have twice crossed the river, to execute their threats, and threaten them with too much on the alert, and had no doubt of mutual defence. On one occasion, however, they burned a house in which there was nobody but a woman and her child. Many of these men who are engaged in this marauding horde are well known to have been the former associates and accomplices of the freebooter Hugh Tully, and are no doubt equally deserving of public execration. [*Arkansas Gaz.*]

OHIO.

WHEAT CROP OF 1842. The Cincinnati Republican of the 23d ult. says:—We learn from a friend who has been spending a few days at different points in the Great Miami Valley, that the wheat crop has been sown the present fall in this fertile section of the state, amounts to about three times the usual quantity. If the farmers in the other principal grain districts of the state have sown any thing like as much wheat, when the season, the wheat crop of 1842 will be very large. The country along the Miami has come up well, and the fields present a beautiful and healthy appearance. The fly has shown itself in some districts, but as yet does but little damage. Entire exemption from its ravages is not to be expected, but the present indications are that it will be far less destructive than it was last fall.

TENNESSEE.

UNITED STATES SENATORS. The house of representatives of this state adopted a resolution on the 16th ultimo, to go into an election for two United States senators, on Saturday, the 23d ultimo.

The following is the official vote for governor, as declared by the legislature:

TENN. SENATE.

Committee.	853	649	Greene.	Johns.	Polk.
Roane	853	649	Greene	894	1,574
Sullivan	313	1,336	Blount	1,065	1,274
Marion	431	320	Morgan	153	125
Meigs	1,842	385	McMinn	955	884
Knox	84	574	Clarborne	462	756
Rand	379	Polk	194	345	
Bledsoe	590	227	Washington	1,353	1,432
Carter	729	123	Hawkins	193	345
Monroe	847	985	Garringer	1,063	524
Jennings	1,605	176	Cooke	821	100
Sevier	869	88	Hamilton	518	560
Anderson	540	265	Johnson	372	70
Bradley	409	846			
Aggregate			17,691	14,141	

MIDDLE TENNESSEE.				
Hardin	510	196	Lawrence	522
Fentress	144	329	Robertson	960
Lincoln	728	3,504	Humphreys	433
White	1,158	511	Bedford	1,853
Wilson	2,246	971	Warren	476
Williamson	1,805	809	Montgomery	925
Davidson	1,768	1,236	Dickson	319
Sumner	702	1,621	Franklin	603
Smith	2,309	630	Jackson	1,109
Warford	711	1,374	Overton	328
Mauzy	1,367	2,487	Stewart	375
Giles	1,110	1,239	Wayne	666
Hickman	247	9371		
Aggregate			24,371	26,911

WEST TENNESSEE.				
Ferry	707	388	McNairy	741
Henderson	1,100	322	Henry	721
Haywood	655	554	Carroll	1,185
Hardman	624	858	Seale	509
Obion	274	387	Gibson	1,017
Shelby	829	736	Benton	258
Dyer	324	219	Madison	1,046
Fayette	1,003	864	Tipton	519
Aggregate			11,534	8,991

RECAPITULATION.				
	East.	Middle.	West.	Total.
Jones, (Whig),	17,691	24,371	11,524	53,586
Polk, (V. B.)	14,441	26,911	8,991	50,343

Majority, J. 3,250 P. 2,540 J. 2,533 J. 3,243

The message of Governor Polk was transmitted to the legislature on the 7th instant. It is a long document and so exclusively devoted to the general concerns of the state as scarcely to afford matter for a paragraph of general interest.

The banks are believed to be in a solvent condition, and capable of resuming specie payments permanently, on reasonable notice, without inconvenience to themselves or oppression to their debtors; and the legislature is urged to appoint a day on which they shall be required to resume, and at the same time to impose on them additional restrictions in order to avoid suspensions in future.

The whole public debt of the state amounts to but little more than three millions of dollars, as follows:

State bonds issued and proceeds invested in stock of the Union bank of Tennessee, bearing an interest of 5 per cent. which is paid semi-annually by the bank, \$500,000

State bonds issued and proceeds invested in capital of the bank of Tennessee, bearing an interest of 6 per cent. \$646,600

State internal improvement bonds, bearing an interest of 5 per cent. 263,166

State internal improvement bonds, bearing an interest of 5 per cent. 1,253,750

Exclusive of \$300,000 of state bonds, bearing an interest of 5 per cent. issued for the improvement of rivers, but not yet sold. \$4,016,916

This debt has many years to run before it falls due, and in meet it the state owns:

Stock in the Union bank of Tennessee, \$646,600

Capital in the Bank of Tennessee being proceeds of bonds sold, and exclusive of the school fund, 1,000,000

Stock paid into internal improvement companies by state bonds issued, \$1,916,016

If the surplus revenue of the U. States now on deposit with the state should not be recalled, that sum may be added \$3,163,516

With these means added to the annually accumulating profits of the State Bank of Tennessee, which is owned exclusively by the people, and is under the immediate control of their representatives, it is supposed there can be little danger that a resort to taxation will be necessary to enable the state to meet its liabilities at maturity.

The comptroller of the state reports the expense of the government for the past year, including all departments, its gratuities, rewards, school funds, election expenses, &c. at \$170,748 75.

The following is an aggregate of real estate:

Acres.	Value.	Value.	Value.
Ensl. 6,749,515	16,885,543	2.53	3,471
Mod. 8,286,991	19,071,619	4.84	1,953
West. 3,053,333	15,725,016	4.19	3,776
			1,916,246

Total 19,170,974 71,029,678 3.84 1,100 8,986,243

The following is an aggregate of the number of slaves, their value, carriage and poll:

Slaves.	Value.	Carriage.	Value.	Polls.
East.	8,267	3,815,825	140	30,323
Mod.	46,555	25,999,708	684	204,621
West.	21,817	13,235,257	399	116,800
Total.	76,639	43,073,670	1,923	351,754

The cost of criminal prosecutions in the state was \$50,529 37.

The contributions to the purposes of education were—

School fund,	- - - - -	\$191,576 80
Academy,	- - - - -	24,230 00

Education, - - - - - \$215,816 80

The whole legislative expenses were \$64,831 00. Of the school fund expenditure, there were paid by the bank a bonus of \$100,000.

The report of the treasurer exhibits the finances of the state in a rather satisfactory condition—receipts \$666,339 22; disbursements \$470,744 75—balance in the treasury \$189,590 47.

GOVERNOR JONES, the high successor of Governor Polk, was inaugurated at Nashville on the 14th ult. in the presence of the members of both branches of the legislature. The constitution on which occasion he delivered an address, of which the following passage is extracted by the National Intelligencer as a correct representation of the opinion of a majority of the people of that state on the subject to which it refers:

"So long as the federal government shall keep itself within the limits prescribed by the constitution, and the state yield a ready acquiescence, in the exercise of the powers delegated we may confidently hope to see our country crowned with all the blessings that flow from a well regulated government."

It is freely conceded to be one of the highest duties of the state to watch, with the most scrupulous and jealous care, any encroachment on the rights, and to rebuke, in a proper spirit, any usurpation of power on the part of the general government.

When differences originate as to what power may be exercised by the general government, or what has been reserved to the states, (as will doubtless sometimes occur,) the constitution has wisely provided for the adjudication of all such questions, and a resort to open resistance can only be regarded as the result of a reckless and wicked infatuation, destructive alike to the interests of society and degrading to the national character.

Among the various questions that have arisen during the brief but brilliant existence of our government, the power of congress to establish a national bank seems to be destined to an ever varying conjecture and conflict of opinion.

That there is no express grant in the constitution for the exercise of this power is freely conceded. Its advocates have never claimed for it any higher authority than that of incidental power.

If it be an incident, necessary to the faithful execution of some specific grant, the constitutional power to create and establish such an institution cannot be successfully controverted.

It is made the duty of congress to provide for the collection, safe-keeping and disbursement of the public revenues. In discharging this delicate and important duty it is not sufficient that congress may employ an agent of comparative utility and success; but it is imperative that they should adopt the best expedient, and one that will secure the objects contemplated in the most efficient manner. The spirit of the constitution, the honor of the nation, the rights and interests of the people, demand the establishment of the best system; and any compromise between an inferior and superior agent is to discharge the sacred injunctions of duty and convert the government into an agent of new expedients, and thereby to insult the public intelligence to adduce arguments to prove the superiority of a national bank over any other fiscal agency that has ever been devised by the ingenuity of man. The experiments of our own government stand as an undeniable monument of the imbecility of those who have attempted to do otherwise, and regard the lessons of experience. So far as precedent can be relied on in the adjustment or settlement of questions of dispute, this must be regarded as beyond the limits of all reasonable cavil. The different departments of government have, on various occasions, sustained the wisdom of their action, and are sustained by the most brilliant array of genius and talent. Amidst the bright retinue of its advocates and supporters, stand out in bold relief the names of Washington and Madison—names dear to freedom, dear to every American. It has on different occasions received the most unqualified approval of the popular will.

If the testimony of the learned, the virtuous and patriotic, from the earliest formation of the government down to the present time, is to be disregarded,

where are we to find examples of our opinions and actions?

If high and solemn adjudications that emanate from the temple of justice are to have no influence in setting questions of doubt and dispute, where are we to find an arbiter?

If the decisions of a still higher tribunal, the popular will, are to be set at naught, who talk about the popular sovereignty? If all these are to be disregarded, and made subservient to the general wrongs and tender cruelties of the conscience of one man, then is government a fiction, and freedom a mere mockery.

Believing that this is the only means of furnishing a sound currency, and that it affords the last finger-hold of reviving the elements of a once prosperous and happy country, and restoring it once more to that proud eminence from which it was madly hurled by party despotism, I shall use my humble influence in securing to my fellow citizens the blessings it would confer."

IOWA.

MOVEMENT FOR ADMISSION AS A STATE OF THE UNION. The people of Iowa territory are already manifesting a disposition to form a state government, preliminary to making application to congress for admission into the union as a state. One of the chief reasons in favor of the enterprise is, that it will enable her to avail herself of the benefits of the distribution law. Thus, while this most beneficent law is assailed with great violence by a party in this quarter of the union, its practical benefits are so apparent that the same party in Iowa are anxious to place themselves in a position to profit by its provisions. [Nat. Int.

THE HON. JOHN FORSYTH.

Mors sola fatetur

Quantulæ sint hominum corporcula.

Again the illustrious Archer has sped his unerring dart, and another victim of his darts lies beneath his fatal shaft. Each day's revolution illustrates the solemn truth that man is dust, and to dust he must return. The most exalted as well as the most lowly are alike subject to the inevitable decree which has gone forth from the throne of Omnipotence, and, whether in the highest or the lowest of the spheres, all revolves in the highest and most brilliant circles of society, the grave awaits him; and from that last resting place of man there is no escape.—The most inordinate ambition and the lowliest aspirations—the most illustrious actions as well as the most obscure and humble—are all tend to the same end—all await the inevitable hour that closes forever the changeable drama of life.

"The paths of glory lead but to the grave"

But what, at last, are the most splendid efforts of successful ambition? What all the distinction that rank, or fame, or wealth can bestow? The mere avarice of air—the brilliant dreams of a few fleeting moments—the delusive ignes fatui of life—all ending in the awful reality of death, and demonstrating, in the language of Pliny, that "we are shadows, and the dreams of shadows are all our fancies imagine." Where are now the illustrious Egyptians who figured on the stage of life two thousand years ago, who erected pyramids whose

"Mass indestructible à l'époque le temps."

and who caused their bodies to be embalmed that they might be preserved till their immortal spirits should again return to reanimate them? Sir Thomas Brown has told their history in a few words: "Many may have become merchandise; Mizraim cries wounds, and Pharaoh is sold for balm."

It was about 27 years ago that I first saw the distinguished individual whose name heads this article.

That changes, what revolutions have occurred, and what vicissitudes have passed away from the stage of life and sunk into the oblivion of the grave, since then! I was standing in the gallery of the house of representatives when Mr. F. rose to address that body. It was his first parliamentary effort, and I listened, like all present, with deep interest to the speech he then delivered. He was in the thirty-fourth year of his age, with a countenance of great beauty and benignity, and a figure well proportioned and graceful.—His eye was blue, soft and expressive, his complexion fair, his features regular, and his hair light and glossy. His fine talents and agreeable manners gave him at once a prominent stand in the body to which he belonged, that he was retained, and he rose rapidly in the estimation of his countrymen. He was then unharmed in the tortuous ways of the politician, and had all the warmth and nobleness of heart which belong to the south. He stood forth the bold and ardent defender of his country, and the eloquent advocate and supporter of the republican principles he had embraced.

In 1817 the following sketch of Mr. Forsyth was written and published in a work entitled "Letters from Washington:"

"Mr. Forsyth has, like most of the members of the American congress, been educated for the bar, at which he has practised for some years with considerable success. He received the rudiments of his education in the university of Maryland. Mr. Cresswell (afterwards secretary of the treasury) acted as usher, and completed it at Princeton. He first distinguished himself in a case of impeachment, instituted by the legislature of Georgia against the commissioners employed to dispose of some public lands belonging to that state, and on this occasion, though but a stripling, he displayed much ability and acquired no little reputation. It was the means of making him known through his adopted state, (being a native of Fredericksburg, Virginia), and of bringing him into public life as a member of the great national council.

The practice of the law has, therefore, for the present, been relinquished, either from necessity or inclination. Legislation, however, seems to be better adapted to his habits and feelings, and it is scarcely probable he will ever return to his profession, if he should be so fortunate as to succeed in the difficult and arduous duties of a legislator and statesman in this country. I think he is a very sensible, unassuming, and is solicitous to render himself conspicuous in political life. His talents are of no ordinary character, and, were he to devote more of his time to the improvement of his mind and the acquisition of that various and general knowledge so essential to a statesman, he would have few or no superiors in this country. He is a brilliant and sometimes an eloquent speaker. His voice is harmonious and susceptible of great modulation, but not sonorous or powerful. He wants impetuously and vehemence, but supplies this deficiency by a constant, regular and uninterrupted flow, which resembles a stream where no rocks or eddies of placid water interfere to disturb the gentle motion of its current. His style is not figurative or ornate, but sufficiently flowing and oratorical to gratify the ear and please the mind. He is, however, more of a debater than an orator; his elocution flows, but never gushes; his phraseology is sometimes fully selected and arranged, and his arguments ingenious, if it not always consistent. He possesses the "dazzling power of argument," though he wants the epigrammatic point and graceful antithesis which are observable in Grattan and the Irish orators," &c.

This sketch requires little alteration. Time and experience matured his faculties, and his enlarged knowledge of the world gave him greater power over the workings of the human heart. As a debater few excelled him. He was always prepared, prompt, ready, courteous and gentlemanly. His keenest shafts were dipped in rose water and never rankled. A smile irradiated his countenance even when his reports were tinged with bitterness, and his arguments were constrained to assume a courteous while he felt the force of his blow. Mr. Forsyth continued in public life till a few months before his death. He passed successively through the high stations of member of the house of representatives, senator of the United States, minister to Spain, governor of Georgia, and secretary of state, in which he displayed the splendid talents with which he had been endowed, and exercised his faculties for the welfare and glory of his country. Though devoted to party, he was not blinded to the merits of those who opposed his political tenets, and though often exposed to the battery of the press, and denounced as a conservative, and sometimes as a traitor, he was nevertheless supported, he suffered no feeling of hatred or animosity to disturb the tranquillity of his mind, or to embitter his intercourse with his fellow man.—In the social circle, he was not less conspicuous for the ease, grace and suavity of his manners and the amiability of his disposition, so that he could be familiar without being undignified, and reserved without being offensive. He was always self-composed, and always at his ease. It was but rare that any thing had power to disturb the apparent serenity of his mind, or to throw into agitation the habitual placidity of his temper. He could be roused at times, however, and then his indignation was not easily subdued. At personal or national insult he felt deeply; and he manifested that feeling both in his language and manner, but it was an ebullition which reason as well as virtue would justify.

Mr. Forsyth has filled a considerable space in the public eye for the last quarter of a century. His career has been a brilliant and useful one. He has rendered important services through life, and has rendered important services to his country—and he has sunk into the silent tomb covered with honors. For-

"Letters from Washington on the constitution and laws of the U. S. &c. by G. Watkinson.

ture and his own merits had placed him where the high gifts with which his Maker had endowed him might be employed in promoting the glory and welfare of his country; and it cannot be said that he did not employ them successfully to that end. He has won a niche in the temple of immortality, and secured a page in the history of the republic. He has now passed from the form of the funeral services, the toils and agitations of life, and sleeps, with those who have gone before him, the long deep sleep of death. Could a voice from the tomb be heard, what would be his language now?

"Ye living vanities of life!

"Ye ever-trembling, ever-cheating vanity!

"Where are ye now? And what is your amount?"

POLITICS OF THE DAY.

LETTER FROM GENERAL JACKSON. The committee of invitation, having sent a letter inviting the great and good old patriot, to attend a public dinner, to be given to him by James K. Polk, of Tennessee, he returns the following answer, which breathes the sentiments of one whose love for his country outweighs all other feelings: [Balt. Rep. Hermitage, October 30, 1841.]

GENTLEMEN: I have received your letter, inviting me to be present at a public dinner to be given by the legislature of Tennessee, on Saturday the 23d inst. by the democratic republican members of the legislature and citizens of Nashville and Davidson county.—Should the weather be fair and the state of my health such as to render it prudent for me to travel so far from Nashville on that day, I will avail myself of the pleasure of attending.

The "hearty congratulations" which you tender to me upon the signal triumphs of "democratic republican principles" as evinced in the late voices of Maine, Massachusetts, and other states, are received with the most grateful consideration. No do you misconceive my sentiments, gentlemen, in supposing that these evidences cannot fail to strengthen my conviction that the people were not insincere in their support of my administration.

I cannot say that I did not expect this re-action. I did not expect that notwithstanding the events of 1840, the mighty truths of republicanism would rise again in triumph; but I cannot say I was fully prepared for the revolution at so early a period. Speculative considerations are giving way to the power of principle. Cool reflection has quickly kindled in the hearts of the people, and has caused them to turn from those aberrations from the path of rectitude which are as common to masses as to individuals. A long and intimate acquaintance with the character of the American people inspired me with the most implicit faith in their disposition to pursue and maintain truth, virtue, patriotism, and independence with a single purpose. And at this late day of life, it gives me joy to say that faith is unabated.

Among the causes that have produced this awakening in the public mind are to be found the unjust and imprudent measures of the late extra session of congress, the tyranny of a dictatorial majority over a large and respectable minority. Nor can it be supposed that the effects of these causes are exclusively confined to those states where elections have just taken place.

The distribution of the proceeds of the sales of the public lands without constitutional authority—the system of monopolies established by law throughout the United States—the provision for a loan within the range of twelve millions, &c.—are acts so palpable and unauthorised that the people, as I believe, anxiously desire their repeal. And I entertain a most sanguine hope the hour for reconsideration, retrenchment and reform is at hand.

I congratulate you, gentlemen, as I do our country at large, on having at the head of the government a president who, upon one question at least, has a strict and conscientious regard for the constitution, who has not swerved from his integrity in the discharge of one of the highest duties devolving by law throughout the preservation of his own consistency by averting the blow aimed at our liberties through an attempt to establish another moneyed corporation with powers enough to destroy individual freedom in elections and to overshadow the blessings of our republican institutions—who has fearlessly asserted and successfully exercised his constitutional prerogative—that this free and most perfect system of civil government may be administered by MEN and not by MONEY. And gentlemen, I may add that in the ability and determination of the president to maintain the government on principles purely republican I have the most abiding confidence. Accept, gentlemen, of my assurances on my representation my best wishes. Your fellow citizen,

ANDREW JACKSON.

Messrs. J. P. Hardwick, and others, committee.

INTERESTING CORRESPONDENCE. Let-

INTERESTING CORRESPONDENCE. Letters of invitation were addressed by the corresponding committee of Ulster county and New York city, to many distinguished democrats throughout the union, to several of which appropriate answers were returned by those who were unable to attend the convention. Nicholas Sickles read to the convention letters from T. H. Benton, M. Van Buren, J. C. Calhoun, J. S. Dickinson, Levi Woodbury, James Buchanan and Morgan Lewis, the three first of which we publish.

Kinderhook, Oct. 4th, 1841.

GENTLEMEN: I have had the honor to receive your letter, inviting me in behalf of the democracy of Ulster county, to attend the mass convention to be held at Kingston, on the 7th inst.

You cannot gentlemen, be more deeply impressed than I am by the alarming tendency of the acts and designs of the dominant party, as indicated by the proceedings of congress at the extra-session, or more alive to the importance of a general and vigorous exertion of the rights and the defense of the constitutional rights and best interests of the people. No experienced observer can have failed to perceive in those proceedings incurring evidence of the revival of the old federal spirit, not only unmitigated, but greatly increased in bitterness by the restraints under which the people were laboring, and the selfishness and patriotism of the American people. Passing by other great enormities, there was nothing done or attempted by the federalists of 1798, which was more hostile to the letter and spirit of the federal constitution—more destructive of the best principles of our political system or capable of exerting a more deleterious influence upon the rights and liberties of the people, than the distribution bill of the extra session.

If, therefore, I had no considerations to respect other than such as relate to my own feelings, I would not fail to be in the midst of you, and assist in proceedings, from which so much good may be expected. It has however appeared to me, that I should be more useful to the cause of the rights of our institutions, as to the democracy of the union, by whose favor I was raised to the office of chief magistrate, when I limit my personal agency in the political conflicts of the day to the exercise of the right of suffrage and the unserved expressions of my opinions upon public questions when the same are invited by the public press, than by being present and respect them. Having come to this conclusion upon the most mature consideration of many similar applications from my political friends, I allow myself to hope that my failure to be with the democracy of the river counties on the 7th inst. will be regarded with the same kind indulgence that I have so often and so long received at their hands, and for which I am, most grateful.

and thank you, gentlemen, very sincerely, for the friendly spirit which distinguishes your communication, and the democracy of Ulster, for the favorable opinion they have been pleased to form of my public career. The time can never come when I can cease to regard with any other sentiments than those of profound respect and lively gratitude, ennoblements like those which you have communicated to me on behalf of a portion of my fellow citizens, so long and so justly distinguished for steady perseverance and untiring patriotism. With great respect, your friend and obedient servant,

M. VAN BUREN.

To the corresponding committee.

Washington City, Sept. 24th, 1841.

GENTLEMEN: I make you many thanks for your kind invitation to attend the democratic mass convention at Kingston, New York, on the 7th proximo; but the rule which I have long followed, not to attend political meetings out of my own state, would prevent me from attending, even if my speedy departure for the west did not render it impossible.

You are puffed, among other kind expressions, to give me credit for firmness in breasting the storms of political adversity; and while I acknowledge my sensibility to the compliment, permit me to extend it to the great body of the American democracy, who, as we all before, seem to have taken for their motto, the Roman motto, *Non parvum est deus in re publica*. If ever there was reason for any way to despair, and beginning to doubt the capacity of any man to govern for self-government, it was just one year ago, when the democratic candidate for the presidency—and that candidate such a man as Martin Van Buren was beaten, and doubly beaten, by a conglomeration of half-rogues and miscreants, cemented by no principle, and held together by no ties, and no objects, but clamoring for "change," like a jockey, who, pushed on by the application of means which could not give the dignity of man, to the purity of the elective franchise, and to the preservation of republican government, must look back upon with sorrow and regret.

That such a man—representing such a cause—assailed by such means—should have been so badly beaten, was indeed cause of alarm to many, and enough to dishearten all who did not confide in public virtue and intelligence, and in the redeeming virtues of the “sober second thought of the people.” But our democracy did not despair. They took courage from defeat—breasted the storm—grappled the foe again; and before the moon has twelve times “filled her horns,” the tide of battle is turned—the foemen fly—and democracy is herself again.

The extra session, which was called for the purpose of consolidating federalism, and erasing democracy, has ended in the rout of its authors, and in the triumph of its intended victims. Never did the end more disappoint the beginning than in the case of this short session. In three months, the position of parties is reversed; the victors, vanquished—the vanquished, victorious.

The summer has been eventful. Large deeds have been done. Events have taken their course; and henceforth the march of democracy will be onward, triumphant and glorious.

Federal wergery has had its reign. An hundred days it reigned in the halls of legislation, and rioted in the abuse of power. In expiration of its enormities, it has chained itself down for an hundred years in the dark chamber of the dead. To tax, squander, and squander, and squander, and squander, and squander, one millions in money and means which were left them, they found insufficient for ten month's service, and to make it still more insufficient, they take away the land revenue from the treasury, and bestow upon British capitalists. Twelve millions were borrowed, and it was not sufficient to pay the interest to pay back. A tax bill has been passed, which inflicts a burthen of eighteen or twenty millions per annum on the people, to raise eight or ten millions for the government, to supply the place of the three or four millions bestowed upon the British. Many millions have been expended in the past, and it is likely to have been subjected to a burthen of fifty per cent. to the government, in order to raise twenty per cent. for the consumer, among those many articles of necessity and comfort; and the few which have escaped now, are to be recaptured, (like fugitives from justice), to be more heavily loaded at the next session. The salt tax—that impious imposition, the revival of which, in England, by sir Robert Walpole, was one of the specified causes for which the English house of commons demanded and obtained his dismissal from office—this impious tax not only cannot be repealed, but it is to be increased, and increased, and perpetuity. A deficit of sixteen millions is revealed for the coming year—a new loan of ten or twelve million announced for the next session of congress—five millions of new appropriations at the late session, besides Indian treaties which cannot be named, and which will be the cause of the vast expenses hereafter resting on their own resources, were intruded upon the treasury—a general abolition of debt at the will of the debtor, under the violated name of a bankrupt law—legislation reduced to legerdemain, by a system of bargain and trickery which made the passage of a bill depend upon equivocations, and jugglery of words, and the most unscrupulous and deepest woe given to our form of government that it has ever received, in the prodigal distribution of money from the public treasury—a new edition of Biddle's law, desperately struggled for by the devoursers of the old one, and saved only then from their grasp, when it was applied to the new one, by the restraining retentively administered by the hands of their own physician. Such were the fiscal operations in a three month's session of the party which was to carry on the government for "thirteen millions" of dollars in a year, and which called congress to the aid of such violent haste "to relieve the distress of the nation."

Such were the legislative operations, and the mode of operating was worthy of the work done, and of the workers. Gag—gag—gag—was the law and the word. In the house of representatives democracy was gagged down and the bill driven through. There the genius of the old sedition law reigned supreme, and indemnified itself by new modes of attorneyship upon the floor of speech, for the long exile of the speaker, in which it had no part, and the tyranny was intended for the senate, but the courage of the "liberty-bell" saved the chamber and prevented that profanation. Their courage prevented it, for they resolved to resist the tyranny which would destroy the freedom of the chamber, come in what shape it might—whether as the bayonets of a military, or the mandate of a civil tyrant. They determined to resist, and to that determination the senate was indebted for its escape from the tyranny and degradation to which the house of representatives was subjected.

The debate of the senate during the *thundered days*, the speeches of the democratic senators during this arduous time, who were called up early in the morning, and kept late every evening, that fatigue might break down those whose minds were an overmatch for numbers—these debates, if justice could have been done them in ample reports and careful records, would have furnished an era in the history of parliamentary history, leaving out my own, and I can say of the rest that they would have marked the time in which we live, and constituted an era on which the future patriot would have looked back with pride and instruction. But justice could not be done them. The few reporters, out of those accumulated notes, could only furnish disjointed and abbreviated sketches. The speakers themselves, exhausted with day-long heat and prolonged sitting, made no use of paper, and no preparation, and showed that they were weary at that, and often made them sit late against their will!—the speakers could but imperfectly sketch the outline, and collect the substance of some part of their incessant efforts. Much was lost, but not all. Part got to the country. The sound of the struggle at least, was heard, and the people were waked up to the consequences of the momentous issues. The people were not left in the dark, and gratified. Every citizen felt that patriotism required him to do his duty; and the result is seen in the "state of the polls" in Indiana, Tennessee, Alabama, Vermont and Maine. What these have done, others will soon do, and we look to your noble state for a great example. New York saved democracy in the time of Jefferson, and she must not teach us to do without her. Let her come into line once more, and open her harbor to the fleets of free persons. The time of the slave trade has passed, but her long and deep federal bank sinks to the bottom of the sea. Very respectfully, gentlemen, your obliged fellow citizen,

THOMAS H. BENTON.

Committee, &c. Kingston, New York

Fort Hill, 29th September, 1841.

GENTLEMEN: The last mail brought me your kind and flattering invitation of the 17th instant, to attend a mass convention of the democracy of the counties along the North river, and of Long Island, to be held at Kingston on the 7th of next month.

The great distance and the shortness of the notice will be, I hope, sufficient apology for not attending. I am much gratified with the high estimate you place on my services in the great cause of American liberty; and nothing, I assure you, has given me more pleasure, or done more to strengthen my confidence in the success of your cause, than to find in this the approval of one so distinguished and so sagacious as your friends both as to principles and measures. I am of our wide spread and diversified territory. It was, indeed cheering to behold all in every section in this hour of danger, when our opponents flushed with victory in the recent presidential struggle, rushed forward to raise the fallen standard of federalism, and simultaneously rally under the old republican state rights party of '98. When I saw that glorious banner waving over our country, and the line to uphold it, all apprehensions for the result of the contest vanished. As numerous, and bold, and united, as were our opponents—as confident as they were of carrying all their measures at the late session, I never doubted, if they did succeed, but that the period of their victory would be short. I could not believe, when the real issue was made, as it was, between the parties, and the people were called on to decide between them, that the masses of dissatisfied voters and consolidation, democracy and an artificial moneyed aristocracy, engendered and fostered by the government, that they would not long hesitate. Already have events proved that my confidence in their intelligence and patriotism was not misplaced. The recent elections have shown an mighty change in public opinion. That change will go on, if we but prove ourselves worthy of our cause. Let a rigid adherence to principle and consistency be the rule of our friends, and their cause shall be completely overwhelmed by the swelling tide. With great respect, I am, &c. &c. J. C. CALHOUN.

J. C. CALHOUN.

TENNESSEE POLITICS. Correspondence be-

TENNESSEE POLITICS. Correspondence between the Van Buren members of the senate of Tennessee and Mr. FOSTER of that state.

enate Chamber, Nashville, Oct. 19, 1841.

TO THE HON. EPHRAIM H. FOSTER:

Sir: The undersigned, members of the senate of the general assembly of the state of Tennessee, now in session, being a majority of that body, understanding that your name will be presented to their consideration as a candidate for the senate of the United States, respectfully request you to inform them in writing, what your opinions are on the following subjects, to wit:

tenth of their commerce. And now, he adds, at least one-third of our commerce is in the hands of foreign vessels. We say that Virginia, and every other slave State, growing states ought to be protected the same as the north in relation to wheat and wool. But tobacco that is worth 10 cents a pound here is assessed in England nine shillings a pound; a duty on American production of 2,000 per cent. Thus, this American production is almost ruined. By the way, I do not think you talk of free trade men in impost.

The American Institute are advocates of the only true principles of free trade. What should be the policy of our government? We ask for and offer free trade. When that is rejected, we ask for a proper reciprocity, and the American Institute does not ask for higher duties on free trade imports; but we say "let our tobacco on equal terms." If they refuse that reciprocity, we say that we'll put a duty on your broadcloth equal to what you put on our tobacco. (Cheers.) Our path and hope and desire is peace. With a clear head and an open field we ask no favors of the world. But with the eagle-eyed foreign policy of a keen and vigorous government abroad on one hand, and parties and rulers here at home all intent upon nothing but making presidents and getting into office, on the other, it is no wonder that our agricultural interests, manufactures and commerce are all going to ruin as fast as they can. (Laughter and cheers.) Look at our rice if that goes to England, it is met with a duty of \$3 or \$4; and so it is with everything that they can grow in their colonies. And therefore we say put their goods on the same footing as they place ours. (Cheers.) The American Institute holds to no party—supports no party—wishes no man to rise as fast as they can. We wish to support our agriculture, commerce and manufactures, and to procure such a system of legislation, as will soon put us on an equality with other nations in all our commercial pursuits. On our pork, there is a duty of \$6 a barrel in the West India market. And is not some retaliation due? Take the article of lumber go to our mountains, and see the superabundance; and yet see the vast majority of foreign vessels in our ports carrying this away to sell in foreign markets. On the Savannah river I met eleven foreign vessels, thus loaded, where I did not see one American vessel. There is something wrong in this. We have never seen a vessel from the other world, where there is a hard dollar to be earned by honest industry. (Cheers.) As Hudibras said,

"For every why there is a wherefore."

(Cheers.) Then there are shingles. There is a duty of \$3 25 on every 1,000 shingles in the West India market; an American vessel goes from here with a load, and by the side of her in Jamaica shall be a vessel from New Brunswick, or even Maine, selling shingles at \$3 00, 25 cents less than the duty. Thus, our commercial marine cut up, and in case of war, this strong arm of our defence will not be found; you may blow your trumpets and beat your drums, but your naval heroes will not be within hearing. Take our silk trade. Look at France. She sends us all her gew-gaws, which she and her writers and daughters are used to adorn themselves with, and we feel pleased to see them do so; France takes \$500,000 of our specie from us for these gew-gaws every month, but takes not a dollar of our produce free in return. And thus our government has gone on until an empty treasury has obliged them to put a tariff on our raw materials in order to restore something like equality. Gen. F. then went on to speak of the movements made by Great Britain, in buying our cotton seed and gins, and sending out these and our planters to India, all which we have once detailed. He added—She is also encouraging its growth in Egypt, Brazil and Texas. She takes to the Virginians the lovely Texas, and the lovely Texas, every acre of whose soil will produce cotton. "This like the poet's lines—

"Nature there had done her part,
The body only wanted art."

(Laughter.) And Great Britain is teaching her art, and Patterson and Lowell are at work making machinery for her. And even Colombia has sent to this city orders for quantities of our Sea Island cotton seed, in order to restore something like equality. We see by that unequalled production of the world. We see by the last British prices current, that 70,000 bales of cotton had arrived from India, and that had lessened the price of cotton in the American market. Why then slander us because we want protection? We see all parties and all writers and daughters are used to adorn themselves with, and we feel pleased to see them do so; France takes \$500,000 of our specie from us for these gew-gaws every month, but takes not a dollar of our produce free in return. And thus our government has gone on until an empty treasury has obliged them to put a tariff on our raw materials in order to restore something like equality. Gen. F. then went on to speak of the movements made by Great Britain, in buying our cotton seed and gins, and sending out these and our planters to India, all which we have once detailed. He added—She is also encouraging its growth in Egypt, Brazil and Texas. She takes to the Virginians the lovely Texas, and the lovely Texas, every acre of whose soil will produce cotton. "This like the poet's lines—

By the Gladiator, to London, . . . \$230,000
By the Louis Philippe, to Havre, . . . 346,000
By the Great Western, to Bristol, . . . 2,340
By the Aeolus, for Canton, . . . 250,000

\$1,097,340

We say then, put these gew-gaws and things, upon the same principle as you put ours, and we'll take as many as you please, and you take beef and mutton, and grain on the same footing. But no, says grand-mother England, our books on free trade are for you to read and obey, but not for us to act up to. We put it on to you tobacco; and by and by, when we get other countries to raise plenty of cotton, we'll take it on to that, and you may whistle and fiddle all you tire—'we've got you'! (Great cheering, and much discriminating laughter.) Why the shipments from Savannah, by the tables, in American bottoms, in one year, was 22,668 tons; in foreign bottoms, 41,383 tons. Upon Lake Erie, at Detroit, there were in that commerce thus:

American	Vessels.	Tonnage.
British	152	12,000

I think this too great to be correct. But at Ontario it is thus:

American	Vessels.	Tonnage.
British	509	63,517
British	1,011	215,000

Thus five-sixths of the commerce of that lake is in the hands of your great rival. In vain did Perry fight and conquer if this is the result. Again, at Cleveland, we find that in one day 8,000 barrels of flour, equal to 40,000 bushels of wheat was sold, deliverable in Kingston, at the same price charged to New York. The stores in Kingston are not large enough to hold the American produce sent there to be re-shipped, and compete with us in a foreign market. And nearly all the produce from 11 States and territories goes thus; by checking the free commerce of this city and country, trade is thus diverted and goes to aggrandize our rival.

Why, in one year after the late treaty was made with Great Britain, the tolls on the Welland canal rose from \$12,000 to \$50,000. Before this treaty, on your own canal, there were 753,000 tons deliverable at tide water; this would require 1,400 vessels, of 500 tons each, to carry it abroad; and this is diverted to the stores in Kingston, and cripples commerce. What, then, is to be done? Let us do justice to commerce, agriculture and manufactures, and we ask no favors of the world. We go for free trade, but when we don't get it, the American Institute is too modest to boast of it. (Cheers.) Gen. T. then spoke of the conduct of trade of English with a Brazilian vessel, worth \$27,000,000 of goods and taking nothing but cotton in return, which caused Brazil to say the treaty should be void after 1844. Also the conduct of England in the tea trade, in the 10 per cent. duty, then throwing it open to the world, and sending out 10,000 tons to this country for fresh tea. "If we don't get free trade, or reciprocity, we lay duty on 10,000 per cent. on our tobacco and 2,000 per cent. on our rice." Great Britain has three-fourths of all our commerce, while many of our large vessels are lying idle. Look at the statistics of ship building for 1841:

In Maine there were built,	Vessels.	Tons.
Massachusetts,	181	38,936
New Jersey,	109	17,811
Pennsylvania,	103	
Maryland,	111	

"Think of this gradual consumptive decay which awaits the commerce and agriculture of our country. Yet there is no defect in our institutions; we stand elevated in the eyes of the world for capacity to produce. When Russia wants to build a vessel she sends to New York, buys one of our vessels, takes it home, and puts on a stove, as a model to build after. Does she want a steam vessel, New York is the place that she sends to for one. Is a cotton factory wanted, America furnishes it. Does Prussia want a mill to grind her grain with, she sends to Rochester for it, and to Baltimore for an engineer and machinery. When Austria wants a locomotive, she sends straight to Philadelphia to get one. When Egypt wakes up from her Pharaoh like sleep, and finds that her bull mills are not the best in the world, she sends here for a steam engine. When Texas wants machinery, she sends to Lowell and Patterson for it. And even England sends to Philadelphia for a locomotive, she sends to Philadelphia—dear Philadelphia—sends to Philadelphia sent one over to us, for we can build nothing to equal it. (Laughter and applause.) Oh! then, protect your laborers—protect your agriculture—protect your manufactures, and when you want a spur to a protective duty take out tobacco and rice for an example.

ABOLITION OF SLAVERY.

SPEECH OF HON. WILLIAM SLADE,

In house of representatives, 18th and 20th January, 1840.

[CONTINUED FROM PAGE 143.]

Fidelity of implied pledge of the south to the north.

And, Sir, Speaker, let me look a little at the manner in which the implied pledge of the south to the north has been redeemed; or rather, I ought to say, at the extent of its violation. If you will accompany me in a brief examination, I will show you how slavery has increased its numbers—acquired new territory—enlarged its power—claimed exemption from all opposition to its extension to the coast of Africa, and freedom, in its march to uncontrolled dominion.

In 1790 the slave population amounted to 697,897. Now mark its increase:

In 1800 it was . . .	893,041
In 1810 it was . . .	1,191,364
In 1820 it was . . .	1,536,061
In 1830 it was . . .	2,002,093
In 1840, probable number, . . .	2,700,000

Slavery was to be abolished "at no distant day" and yet it has increased to two millions seven hundred thousand! And in that very state from which Washington, Jefferson, Madison, Henry and others predicted the speedy and complete extermination, are slaves now actually raised for exportation.

[Mr. Garland, of Va. here interposed, and denied the truth of the assertion. Mr. S. perceiving that the remark had excited some sensibility, and desiring to avoid seeming to cast reproach upon Virginia, passed over by remarking that the District of Columbia was notorious for the market for the surplus slaves in the neighboring counties of Virginia and Maryland, and that slaves thus purchased were annually shipped in large numbers to southern markets. On the day following, Mr. Garland, in his reply to Mr. S. having spoken of his allusion to slave-breeding in Virginia as "the reputation of a base slander of that prince of demagogues, Daniel O'Connell," Mr. S. asked permission to read, in proof of his assertion, the following account of the declarations of distinguished Virginians which he found in "Jay's View of the action of the Federal Government in behalf of Slavery:"]

"In the course of this State, in 1832, Thomas Jefferson Randolph declared that the Virginians converted into 'one grand menagerie, where men are reared for the market like oxen for the shambles.' This same gentleman thus compared the foreign with the domestic traffic. 'The trader (African) receives the slaves, a stranger in aspect, language and manner, from the merchant, who has brought him from the interior. But *here*, sir, individuals whom the master has known from infancy—whom he has seen sporting in the innocent gambols of childhood—who have been accustomed to look to him for protection, he tears from the mother's arms, and sells into a strange country—among a strange people—subject to cruel taskings. In my opinion, it is enough to worse."

"Mr. Gholson, of Virginia, in his speech in the legislature of that State, January 15, 1831, (see Richmond Whig), says: 'The legal maxim of *partus sequitur ventrem* is coeval with the existence of the rights of property itself, and is founded in wisdom and justice. It is only on the justice and inviolability of this maxim, that the master's force and the slave's woe, the female slave, has her nursed and attended during the period of her gestation, and raises the helpless and infant offspring. The value of the property justifies the expense; and I do not hesitate to say that in its increase consists much of our wealth.'"

"Professor Caldwell, now president of the college of William and Mary, Virginia, in his review of the debate in the Virginia legislature in 1831-2, speaking of the revenue arising from the trade says: 'A full equivalent being thus left in the place of the slave, this emigration becomes an advantage to the state, and does not check the black population as much, at first view we might imagine, because it furnishes every inducement to the master to attend to the negroes, to encourage breeding, and to cause the greatest number possible to be raised. Virginia is, in fact, a negro-raising State for other states.'"

"Mr. C. H. Merrell, in his report to the Virginia convention of 1829, on the tables of the natural growth of the slave population demonstrate, when compared with the increase of its numbers in the commonwealth for twenty years past, that an annual revenue of not less than a million and a half of dollars is derived from the exportation of a part of this population."

Mr. Slade proceeded. With the increase of slaves from 697,897 to near two millions and three-quarters, have the number of the slave states increased from six to thirteen; three of the new slave states being formed from territory purchased with the common treasure of the nation; so that the north has actually paid her

money to purchase new fields to be moistened with the sweat and blood of slavery, instead of having the promised aid of the south in getting rid of the national evil.

The number of representatives, on account of the slave population, has increased to *twenty-five*; and will probably rise to *thirty* after the next census. Let me show you, Mr. Speaker, the strange results of this principle of "slave representation" on this floor:

The slave states with a free population of 3,823,000, have one hundred representatives; while the free states, with a population of 7,003,000, have but one hundred and forty-two. Look at this in some of its details.

Virginia, with a population of 741,000, has twenty-one representatives, while Ohio, with a population of 947,000, has but nineteen. The free state, with a free population of 206,000 more, has a representation of two less.

Pennsylvania, with a population of 1,347,500, has twenty-eight representatives, while South Carolina, Georgia, Alabama, Mississippi and Louisiana, with a population of 912,000 being 435,800 less than Pennsylvania, have the same number of representatives. In comparison, but I have gone far enough to show the great disadvantage to which the free states have been subjected by yielding to the south a slave representation, for which they obtained, in the compromise, no substantial equivalent, as I will now show.

The constitution provides that "direct taxes and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons—*three-fifths* of all other persons," that is—*three-fifths* of the slaves. This est a burden of taxation on account of slaves was regarded as some compensation to the north for the extra advantage to the south of a slave representation. Now, sir, let us see how this consideration for the concession has failed.

By a letter of the 26th of January, 1838, in reply to a call for information from the register of the treasury, it appears that the whole of the receipts into the treasury of the United States, from the 1st of March, 1789, to the 31st of Dec. 1836, had been:

From customs	\$68,952,754 47
Internal revenue	22,253,045 38
Land sales	1,093,237 37
Direct taxes	12,742,284 64

\$719,045,352 01

The receipts of the last three years have been

\$61,731,262 48

\$95,776,614 49

It thus appears that of more than eight hundred and fifteen millions of receipts, about twelve millions and three-quarters only have been from direct taxation, and, even of this, the north has, of course paid her proportion. Such is the practical equivalent which has been received for a concession which has enabled them, by the representation of slave property, to control the destinies of the country for fifty years—a concession which no one now believes would have been made, but for the assurance which I have shown was felt, an assurance encouraged by the slave states themselves, that slavery should, "at no distant day," be abolished throughout the country.

But with the rendering of the constitutional equivalent for the slave representation has thus been avoided when money was to be paid, we find the compromise fully carried out when money is to be received. Thus the ratio of representation, including the representation in the senate, was made the basis of the distribution of the surplus revenue by the act of 1836, giving, of course, a disproportionate amount to the slave states. The thirteen free states, with a population of 7,003,000, received \$21,410,777 12; while the thirteen slave states, with a free population of 3,823,000, received \$16,038,082 83. So that there was received for each inhabitant of the free states a sum of five for each inhabitant of the free states there was received but \$3 06.

While considering the subject of the concession to the south of a slave representation, one can help inquiring what—since so much is said of *implied* consent—and the compromises of the constitution in connexion with the subject of slavery? What did each party *actually* concede to the other?

There was conceded to the south the stipulation to deliver up fugitive slaves—protection against domestic violence—a continuance of the slave-trade twenty years—and the three-fifths representation of slave property. Surely these are large concessions to be made in favor of slavery! And what concession was made to the north in return? None! except the stipulation just referred to, in regard to direct taxation; which has, as I have shown, amounted to nothing.

Does not this glaring inequality of concession give irresistible force to the argument which I have drawn from the history of those times, to show that it was the general expectation that slavery would be soon abolished? Is it possible to believe that such concessions would have been made in favor of *slavery* (concessions to *wrong*, not to *right*) if any body had suspected that it was *not* to be abolished, but to be cherished, increased and made permanent? Did any body dream that the concession of a "three-fifths" representation, within fifty years, bring into congress thirty representatives for the representation of two million seven hundred thousand slaves? But, more than all—could it have been thought of, or, if thought of, could the idea have been endured for a moment—that that concession was to be used as an *engine of political power* that the destinies of the country were actually to be controlled by a representation which slavery should bring into this hall, and the votes it should give in the elections of the chief magistrates of the country?

Mr. Speaker, the history of slavery in this country for the last thirty years has been a history of *enormous* wrongs, of unparalleled, even of unexampled, as gross a violation of implied pledges as can well be conceived. Let facts speak on this subject; and, that they may speak in the best manner and to the best effect, let me read to the house an extract from a speech delivered in the senate of the United States, by the Hon. Charles Sumner, Governor of Massachusetts, whose sound, practical sense, for which he is so much and so deservedly distinguished, seized upon the strong points of this matter of southern encroachment, and presented them in the following language: "This interest (slavery) has ruled the destinies of the country for the last thirty years. It has given us a president from its own territory, and of its own selection. During all this time it has not only had a president sustaining his own peculiar views of public policy, but, through him, has held and used in its own way the whole organization of all the departments, and all the vast and controlling influence incident to that office, and to aid it in carrying on its views and policy, as well as to protect and secure it to every advantage.

"Let us explore a little further, and see how the two houses of congress have been organized. For thirty years out of thirty-six that interest has placed its representatives in the chair of the other house, securing the organization of committees, and the great influence of that station. And, sir, while all other interests have, during part of the time, had the chair (vice presidency) in which you preside assigned to them, as an *equivalent* for these great concessions, that interest, when a president is elected, who, upon the contingencies mentioned in the constitution, will be the president of the United States, that interest has *invariably* given us that officer. Look, I beseech you, through all the places of honor, of profit and of privilege; and there you will find the representative of *two* years from the north, and *one* of *two* years from the south. Does not, then, this *interest* rule, guide and aid public policy to its own views, and fit it to suit the action and products of its own labor?"

In connexion with the view thus presented by Governor Davis, let me refer to the *progress* of the influence of slavery in the elections of the presiding officers of this body, for the last twenty years. The next congress will complete fifty-two years from the organization of the government. During the first *twelve* years the speakers were from Pennsylvania, Connecticut, New Jersey and Massachusetts; during the next six years from North Carolina; the next four years from Massachusetts; the next nine years from Virginia and South Carolina; the next four years from New York; the next four years from Virginia and Kentucky; the next two years from New York; and the last *fourteen* years from Virginia and Tennessee.

Dividing the whole term, as near as may be, into three equal periods, it appears that, for the first seven years, the speakers were from *twelve* years from the north, and *five* years from the south; for the next seven years, *five* from the north, and *twelve* from the south; and for the last eighteen years *two* from the north, and *sixteen* from the south!

Such a result as this needs no comment. It speaks for itself, and speaks a language not to be misunderstood. For further evidence of the power of slavery and its disposition to encroachment, I might, if I had time, refer to numerous important questions which have been decided in congress, in which the power of the three-fifths representation has had a controlling effect. I might also speak of the *extraordinary* claims of Georgia and Virginia in connexion with slavery. I might refer to the frequent threats of violence—to the scenes of lynching—to the violation of the mails—and to the violation of the constitution, in

denying to the free colored citizens of the north the privileges of citizens in the southern states of this union. But time would fail me.

Upon this latter topic, however, I cannot refrain from dwelling, for a moment, for the purpose of calling the attention of the house to the laws which have been given, at the south, to the laws prohibiting the emigration within their borders, and even a sojourn among them, of free colored citizens of other states, I allude to the execution of these laws upon the citizens of a foreign country, forced by the dangers of the sea into a southern port of this union, which, in my hand the following from a Jamaica paper, (the Despatch), published in the year 1838, which I beg permission to read:

"We have been politely favored with a Haytian paper, L'Union de Port-au-Prince, of the 19th ult. by which it would appear that this republic is highly indignant at the treatment experienced by the crew of a Haytian vessel, which was forced, by stress of weather, to enter one of the United States ports, (Charleston). L'Union, after detailing the circumstances that obliged the vessel in question, L'Arbitraire, to put into Charleston, remarks: 'So soon as she arrived there, the whole of the crew (captain allowed to remain) were seized and thrown into prison, where every assistance or comfort was denied to our unfortunate mariners, whose incarceration lasted the whole time that the vessel was being repaired. This was an outrage against the Haytian nation. The day may yet come when it will be in our power to cause the name of Haytiens to be respected abroad, and particularly so by our arrogant neighbors. Until that period arrives, however, we have in our hands the means of retaliation. Already if we judge rightly, a spirit of deep vengeance against the Americans manifest itself, and seems to pervade all classes of our citizens, and so indignant do we feel at their conduct towards our countrymen, that we are almost inclined to denounce and hold them up to the hatred of the nation.'"

Now, Mr. Speaker, what but a *want of power* on the part of the Haytian government has prevented a demand upon this government for redress for this outrage on the rights of the Haytian citizens? There is, it is true, no danger of a war with Hayti. Her weakness is our protection! But may not our extensive and profitable commerce with that nation be made to suffer from such outrages on the rights of its citizens? And shall we still ask, What has this nation to do with slavery?

There is one fact, placing in a very strong light the tenaciousness of the slave power, and its disregard of the implied pledge to which I have referred, which I cannot omit to notice; and to which I ask the special attention of the house. It is this: that the slave state shall be admitted into this union, without the simultaneous admission of a slave state. It is even urged as an argument for the division of Florida, and its admission into the union as two states, that it *must* be done in order to balance with two new slave states, two new free states—sooner said than done. Wisconsin and Iowa. To give plausibility to this demand of slavery, it is asserted in an article in a late Virginia paper, (transferred to the Globe) that "from the time that new states began to be admitted in addition to the 'old thirteen,' from that time it has been the fixed policy of the slave states to admit a slave state and a free state at the same time. Thus Kentucky and Vermont came in together; Ohio and Tennessee followed; Alabama and Illinois, Louisiana and Indiana, Missouri and Maine, Arkansas and Michigan. Thus the union kept its parts even, and, to do so, twice have the New England states formed their small republics, and Iowa, New Mexico, and Maine were both divided from other states to make new ones to balance, in the senate at least, the new large slaveholding states."

Aware of the startling character of such a claim in favor of slavery, the writer of the article says, "it has been the policy of the slave states to admit a slave and a free state at the same time. This I deny. The states mentioned by him as having come into the union on the 'balanced' principle, have been admitted as follows:

Slave.	Free.	Free.	
Kentucky,	1791	Vermont,	1791
Tennessee,	1796	Ohio,	1802
Louisiana,	1812	Indiana,	1816
Alabama,	1819	Illinois,	1818
Missouri,	1821	Maine,	1820
Arkansas,	1836	Michigan,	1836

Now, the fact in the first place, is, that *no* slave state (admitted in 1817) from his account current between the slaveholding and non-slaveholding states. The introduction of it throws his balance sheet into

* Since this speech was delivered, one of the senators from Arkansas (Mr. Sevier) has declared, in the senate, that he would never vote for the admission of another free state into the union, unless there should be a new slave state to balance it.

confusion, besides showing the advantage which slavery has gained over freedom in the admission of new states.

It is independent of this, the list furnishes no evidence of the "fixed policy" of which he speaks. Thus, sir, all know that the political "balance" between freedom and slavery, now contended for, was entirely unthought of when Kentucky and Vermont came into the union. The well known state of public feeling on the subject of slavery at that time shows this conclusively. Indeed, the notion that slavery, which it was then declared had "received a mortal wound, and would die of consumption, "was to run a race with freedom, is absolutely ridiculous.

The idea of a division of "small states of New England to make a balance" is an equally worthless foundation. Maine was separated from Massachusetts proper, by the territory of New Hampshire; and her political separation was, therefore, dictated by her natural position, as well as by other obvious considerations, having no relation to the "balance" now contended for. As for Vermont, the "Green Mountain boys," driven by the injustice of New York, declared themselves independent, and formed a state constitution in 1777, fourteen years before their admission into the union; and having maintained their independence against New York, New Hampshire, and Massachusetts, the friends of the most consummate skill and noble daring, they finally came into the union in 1791.

I might go through the list, and show that the controlling reasons for the admission of all the new states into the union, have had no connexion with the idea of the "balance" suggested. I know the admission of Missouri, as a slave state, was urged upon the ground of the admission of Maine as a free one; and if I am not mistaken, the claim now formally insisted on was then for the first time brought forward. It was, I regret to say, successful; and it has again been successful in the admission of Arkansas as a slave state.

I do not complain that new states at the south have been admitted into the union—not even that *seven* have been admitted from that section, while *six* only have been admitted from the north. But I do complain that they have been admitted as slave states; and especially that there are among them those whose territory formed no part of the "old thirteen," and which have therefore brought into the union an *addition* to the burden and weakness and curse, from which, at the adoption of the constitution, it was universally expected the country would soon be delivered.

But more especially do I complain that it has come to be avowed as a *settled principle of national policy*, that the *slave power* is to be maintained in its existing relative strength, by the admission of new slave states. How strongly does this contrast with the public sentiment and policy at the time of the formation of the constitution. *Slavery*, which was then, by the general consent of the nation, to be speedily destruction—the subject of almost universal execration—now *raises* its brazen front, and claims to be regarded as an essential element of, and to have its relative political power carefully maintained in, this union of freedom!

It is not all. Fearing that, in the vast territory west and north of Missouri, the indomitable spirit of northern enterprise may raise up new states to add to the empire of freedom, and diminish the relative strength of slavery, the south turns its eyes to the wide domain and fruitful soil of Texas, and aims to add to her dominion a territory which may be manufactured into half a dozen slave states, to maintain the balance in favor of slavery! Yes, sir; slavery has actually entered upon a system of colonizing—colonizing by conquest—colonizing from a land of freedom—colonizing to bring under its dominion a country from whose soil, in the advancing power of free principles, it has already been banished.

Thus, as slavery sinks in other countries, it rises in this. As its limits are contracted elsewhere, they are enlarged here. At the moment that its iron sceptre is broken in the British West Indies, American schemes are devising means to strengthen and enlarge its dominion in the land yet reddened with blood poured out to assert and maintain that "all men are created equal!"

Where is to terminate this progress of the slave power? Where shall its southward movements cease, until, to keep pace with the westward march of the free states, it has reached the Pacific, and desolate the fields of Mexico and Guatemala, and defile the limit of the same ocean as the Isthmus of Darien? But, Mr. Speaker, slavery is not content with a multiplication of its victims or an extension of its territorial dominions. It sees the gathering storm, and it endeavours to use the power of free discussion, and seeks to suppress its outbreaks. For this purpose it penetrates the free states—

it surrounds peaceable assemblies with mobs—it destroys printing presses—it kills or follows with persecution their conductors—it violates the city of Peñx, the city where yet stands the "Hall of Independence," and applies the torch to a noble edifice dedicated to free discussion. And, sir, it has finally come to the halls of congress, and assailed liberty in these her most sacred temples, by striking down the constitution, and solemnly guaranteed right of petition, and imposing silence upon the representatives of freemen here.

But this is not all. Slavery has found its way into the executive department of this government, introducing, and giving efficacy, through that department, to a new element of power unknown to the constitution—its conductors—it violates the city of Peñx, the city where yet stands the "Hall of Independence," inasmuch that the president, while admitting that congress has constitutional power to abolish slavery and the slave trade in this District, declares, in advance, that he will give his official sanction to no bill for such abolition, "against the wishes of the slaveholding states." The "wishes" it is observed are not the *arguments*—of the slaveholding states are to govern the executive action! With arguments he has nothing to do. He throws from himself all responsibility of judging, and makes the simple fact of the "wishes" of a minority of the people decisive. No more inquiry, no more advance, such a claim. In all the struggles about a protective tariff, the manufacturing states set up no such presentations; and if they had, they would have found no president willing to give such effect to their "wishes." Thus, slavery asks and obtains what would be yielded to no other interest in the country.

But slavery is not content with all this. When the people of the north, in the strength of their feeling for their brethren in slavery, and under a sense of the national responsibility for its continuance, with the abominations of the slave trade, in this District, send their petitions here for its abolition, slavery sends its infernal legion of honorable members on this floor, and threatens to *disorder* the union! Yes, sir; slavery, that very slavery that, fifty years ago, was declared to have the consumption, and to be struck with death, has "got well," grown fat and lusty, talks of living forever; and absolutely threatens the dissolution of the union if he is not "let alone," and permitted to continue his course of honorable members on this floor, and threatens to *disorder* the union! Yes, sir; slavery, that very slavery that, fifty years ago, was declared to have the consumption, and to be struck with death, has "got well," grown fat and lusty, talks of living forever; and absolutely threatens the dissolution of the union if he is not "let alone," and permitted to continue his course of honorable members on this floor, and threatens to *disorder* the union! Who can find words to express the amazement which this is calculated to excite?

Thus it is, Mr. Speaker, that slavery has, ever since this union was formed, been gradually augmenting its power, moving on especially during the latter half of its existence, and now, in the present decade, with giant strides in the march of encroachment, constantly gaining power, and constantly asking for more, never saying enough, but always crying, give! give! give!

And now, Mr. Speaker, let me entreat gentlemen to review the subject in the light which I have endeavored to throw upon it, and tell me if it is not the height of injustice, and the height of the nation's degradation, that the subject of slavery, at the north, with a violation of implied pledges in favor of slavery, when it is manifest beyond the power of contradiction that the south has violated, and is, at this moment, flagrantly violating its own most clearly implied pledges to the contrary?

Sir, as I have already intimated, the south, so far from encroaching on the rights of the north in this matter, are but resisting the encroachments of the slave power. They are standing on the very confines of the constitution, battling, not merely for the rights of the slave, but for the dearest rights of free men. And any man who, on the point of honor, no; not a hair's breadth. They *cannot*, without surrender of every thing. It is time the south should understand that the north is no longer to stand still and witness the encroachments of slavery with arms folded, eyes closed and mouths shut; but that, while they will not transcend, by the breach of a hair, the limits of the constitution, they owe it to themselves, to their country—to its honor abroad—to its safety at home—to humanity—to justice—and to the world, struggling for victory over time-honored oppression—to stand firm upon the ground of *constitutional right*, and not surrender to any compromise now. The weapons of fair and honest warfare are the sword, the freedom of speech—freedom of the press—and freedom of petition.

But I may be told that, though there might have been, at the adoption of the constitution, no such compromise in favor of slavery, as is now contended for, yet that there *should* be such a compromise now. But, since the south is so excitable on the subject, it is not best to agitate it; but to refrain for the sake of preserving the union. Sir, I am willing to yield much for the sake of peace—whenever none can prize more highly than I do—and for the union—whose benefits are, by no means, to be lightly put at hazard. But

I am not willing to yield every thing. There is a point where yielding must stop, or every thing will be demanded in surrender.

Compromise! What is a compromise but a *mutual* concession? And what is the *south* preparing to concede? Nothing! As usual in the contest between freedom and slavery in this country, the concessions must all be on one side. While slavery is reaching forth the arms of her power in every direction—lengthening her cords, and stretching her stakes, and grasping, by a bold and daring policy, the entire control of the union, the people of the north must stand still—shut their mouths—throw away their pens—break their presses—and sit down in silence, without even the poor privilege of *praying* for deliverance from slavery, and from slavery's empire. All in the spirit of compromise; for the sake of peace! and the union! Sir, it is enough to sicken the soul of a freeman to hear this cant of compromise—a compromise of silence! of death! not the death of slavery, but the death of freedom!

Abolition—its aims—and the means of their accomplishment.

Mr. Speaker, I have do with "the compromises of the constitution." I regret that I am compelled to leave this branch of my subject while so much remains to be said to do it justice. But I must forbear.

Returning to the question more directly before the house, let me remark that there is another reason, besides the one already mentioned, why I urged against the reception of petitions on the subject of slavery. It is, that they come from "*abolitionists*."

I have been amazed, while sitting here, to witness the strife on this floor, in denouncing the men and women whose prayers come here for the abolition of slavery—"religiose knives"—superstitious fanatics—"evile fanatics"—desperate and despicable fanatics—are specimens of this denunciation. Sir, I promised, when I began, that I would indulge in no retorts; and surely I cannot find it in my heart to indulge any suited to such attacks. Not that I do not hold in high estimation the many excellent and intelligent of my constituents who thus assailed; but it is because I *do* thus esteem them, that I make no reply to such denunciations.

"Abolitionists!" What is abolition? At what does it aim? By what means is it sought to accomplish its objects? These are questions which I propose, briefly, to answer.

Abolition, among the noblest of the objects which can engage the efforts of man. It is the deliverance of men from the ownership of others, and restoring them to the ownership of themselves. It is to take away whips and tortures as incentives to effort, and to substitute for them the instincts of self-support, and the nobler and more important ones of care for the support of others. It is to substitute for promiscuous cohabitation, the marriage relation, with its sacred rights, its hallowed privileges, and its countless blessings. It is to emancipate mind from complete human dominion, and raise it to freedom of thought, freedom of purpose, and conscious responsibility to the God of the universe. It is to open the Bible, now shut to millions of human beings, and to give them the privilege, and aid them to enjoy it, of "*searching the scriptures*," and are "*able to make them wise unto salvation*."

This is abolition. Who ought to be reproached for it? Who ought to be derided? or who ought to be sneered at and derided; and may come to be used as a name of reproach. But who cares for a name! Who that is capable of understanding what principle means, will tremble at the name of abolition! Here is the thing. Look at it. Is there a nobler end never achieved than there is—than the emancipation of the body and the soul of man from such dominion, and his restoration to such rights?

These great purposes abolitionists aim to accomplish to the extent of their power throughout this country, and throughout the world. Their benevolence is bounded by no lines of latitude or longitude; and their sympathy is universal, embracing the whole globe. Wherever there is a human being suffering from oppression, there does it find an object of kind regard and anxious solicitude. It feels for those in bands, "*as bound with them*." The fetters which gall the limbs of the slave leave its own spirit. Impelled by the love of God, it crosses oceans, climbs mountains, traverses continents, encounters dangers, faces death, for his redemption from oppression, and his elevation to freedom, intelligence, virtue, happiness, hope and heaven.

Such is abolition. But some may say abolition, thus explained, is an *effect* which we would indeed like to see, but it is not in this sense, we are abolitionists; but we are opposed to abolitionism—that is, to the means that are used to produce that effect.

I use the word *abolition*, in this discussion, both in its popular sense, as descriptive of the present great

movement in favor of emancipation, and, also, in its literal significance, as *being* a sacrifice sought to be accomplished by that movement—leaving to those who hear me to give it a significance appropriate to the occasion, in which it is used. But generally, I say of abolition, as an effect, I would substantially say it as descriptive of the present great movement to produce that effect. By this, however, I do not intend to sanction every thing that is done by every body engaged in this movement. I have seen, I have heard, many things to disapprove. But I regard them as spots in the sun, which, after all, gives a glorious light.

In approving of the present abolition movement, I speak in reference to the *principles* that give it vitality, and the *great agencies* by which it is sought to give them efficacy—namely, free speech and a free press—a freedom restrained by truth, and the *spirit* of the Christian of Christ. Disproving as I do, of precipitation and ill-directed measures, and the indulgence of harsh and bitter zeal in this case, I feel, nevertheless, bound, in sincerity, to say, that I had much rather see even this than to witness a continuance of the nation's *death slumber* over this great question. The *principles* and the *great agencies* of purifying the atmosphere are not infrequently sustained by "harsh thunder." But the thunder storm is nearly over—to be followed, I trust, by a steady and refreshing rain, which shall nourish the thirsty earth, and finally bring forth an abundant harvest of good to our country.

But make me not abolition seek to accomplish its purposes. By the power of *reason*, shaking not at night of the Goliath of slavery, it marches fearlessly to meet him. Trusting in the power of truth, and showing their respect for slaveholders by confidence in its practical efficacy, abolitionists patiently and kindly, and perseveringly urge upon them its demands, and press them with *gentle* and *kindly*. Perhaps not always so. Better *always—far better!* But slavery is *slavery*! Not to feel, when the full import of *that word* enters their minds, would do credit to their hearts, though it might secure for them the reputation of prudence, and save them from reproach.

By the power of truth, abolitionists seek to create, wherever they meet, an *atmosphere* against slavery. They see the nation drugged with the opiate of wealth and pleasure, rilling in present abundance, and grasping after still greater; while the slave treads the same everlasting round of labor unperpetual, and of toil unblest, his mind brooding in perpetual darkness, his eye and spirit, craving an elevated aspiration, and entering into none of the exultations of its noble nature and high destiny: while the nation, like the priest and the Levite, have *passed by*, in cold, selfish indifference, leaving him to perish, without help and without hope. By patient and untiring effort, do abolitionists seek to make the people of this nation from their guilty slumber over the wrong of slavery, and produce a conviction that the time has come when something should be done for its abolition.

To the extent of the constitutional power of congress over this subject they ask its action. They pray it to abolish slavery and the slave trade in this District, over which it has exclusive jurisdiction, and prohibit, as it clearly has a right to do, the slave trade between the states, and to admit no more slave states into the union.

But their great, leading object is to create such a public sentiment in the south as shall effect the abolition of slavery in the slaveholding states by their own legislation. To do this, they labor, in the first place, to gain the consideration of the south, and to exert to the end that it may speak out in clear and decided language its condemnation of slavery, and then to exert upon the south a strong moral influence in favor of its abolition—believing that the south will not pertinaciously refuse to yield to the calm and enlightened voice of the north, even when especially when it is in accordance with the judgment of the great mass of the civilized world.

While speaking of the means by which abolitionists aim to accomplish the abolition of slavery in the United States, I deem it proper to disabuse them of the charge of aiming to abolish slavery in the *states* by the legislation of congress—a charge which is, I am firmly believed by many at the south to be well founded.

I hold in my hand "*Jay's View of the action of the federal government in behalf of slavery*"—a work published by the American anti-slavery society, and, of course, expressing its views on the topics of which it treats. While I ask the attention of the house to that treatise, I leave the book which you about to read, I take the occasion to say, may be able to obtain it, as containing facts and views worthy the attention of all the members of this house, and all the people of this nation. The author says, (p. 216):

"Every state possesses all the powers of independent sovereignty, except such as she has delegated to the federal government. All the powers not specified in the constitution as delegated are by that instrument reserved. Among the powers specified, that of abrogating the slave codes of the several states is not included. On the contrary, the guaranty of the continuance of the African slave trade for twenty years; the provision for the arrest of fugitive slaves; and the establishment of the federal ratio of representation, all refer to and acknowledge the existence of slavery in the United States. If, therefore, the abolitionists, unmindful of the guaranty and repeated disclaimer of all power in congress to legislate for the abolition of slavery in the states, should, with unexampled perfidy, attempt to bring about such legislation; and if congress, regardless of their oaths, should ever be guilty of the consummate folly and wickedness of passing a law canceling the slaves held under state authority, the union would, most unquestionably, be rent in twain. The south, would, indeed, be craven, could it submit to such profligate usurpation. It would be compelled to withdraw, not for the preservation of slavery alone, but for the protection of the rights of the liberty-loving whites of the north, who would be jeopardized under a government which, spurning all constitutional restraints, should assume the omnipotence of the British parliament. But it is scarcely worth while to anticipate the consequence of an act which can never be perpetrated so long as all its members retain an ordinary share of honesty and intelligence."

British abolition.

And now, Mr. Speaker, let me show you the relation which this movement, at the north, bears to abolition elsewhere. Let me show you that it is but part of the great abolition movement of this age—a movement, in regard to whose principles and prospects, no man of common sense and feeling, and especially no southern statesman can be indifferent. Let me especially call your attention to British abolition, which forms so prominent a part of it; and from whose origin, progress and termination both the north and the south may draw lessons of the deepest practical importance.

The British slave trade had existed for near two centuries, when David Hartley moved, in the house of commons, in 1776, a resolution declaring "that the slave trade was contrary to the laws of God and the rights of man." It met the fate which a resolution making the same affirmation of a similar trade carried in the house of commons would presently now meet in this hall. It was promptly rejected.

In 1783, a petition against the trade was, for the first time, presented in the house of commons. It met the fate which the petitions I have in my drawer before me will meet, if the rule I am opposing shall be adopted, and the discouragement was repeated.

The Quakers, with whom these unsuccessful efforts originated, were not discouraged. On the 7th of July of that year, six of them met in London "to consider what steps they should take for the relief and liberation of the negro slaves in the West Indies, and for the discouragement of the slave trade on the coast of Africa."

What a sublime spectacle is here presented! Six men meeting together to devise means for wakening the British nation from the guilty slumber of two hundred years! Six men conspiring to overturn a system of injustice and oppression which had received the sanction of the laws, and the acquiescence of the interests, the prejudices, and even the religion of the whole British empire! Nothing can exceed it in moral sublimity, but the going forth of the twelve fishermen at the command of the "Despised and Rejected," to assail an empire of Pagan idolatry and superstition, and to overthrow the throne of the emperor, and what was the *principle*, and what the *spirit* of this mighty enterprise? They were the *great truth* which this nation had just triumphantly maintained in a seven years' war, and the benevolence which had sent forth to all nations the twelve disciples of the Christian faith, seventeen hundred and fifty years since.

Six Quakers! I cannot leave him! How prompt to yield to the "inward light!" How steady to the noble purpose it dictated! Well did Patrick Henry say, "I shall honor the Quakers for their noble efforts to abolish slavery." And who will not honor them for their patient, untiring devotion both to the cause of Britain and in this country, in behalf of their oppressed brethren of the African race? How valuable the "testimony" they have uniformly borne against the great iniquity!

The six Quakers! Let none, henceforth, be dishonored in the cause of truth and righteousness, though few and feeble, and despised. It was not by night, nor by wisdom, but by the *power of truth*, that these men went forward and verified the prediction that "one shall chase a thousand, and two put ten

thousand to flight." The six Quakers! Let us remember them, and be faithful to humanity, to justice and to truth.

The six Quakers were soon joined by the same number of philanthropists of other Christian denominations. "The twelve" held meetings in London to devise means for revolutionizing the sentiment of an empire! Agents were appointed by the government, the celebrated Clarkson, to rouse the public attention to the great subject. The pulpit and the press were enlisted. Books, pamphlets and newspapers were freely circulated. Within a few years petitions to parliament were multiplied, inasmuch that a commission was at length appointed by the government to inquire into the African slave trade; and, finally, on the 9th of May, 1788, the house of commons voted that they would, at the next session, take the subject of that trade into consideration.

Without pursuing further the details of this matter, suffice it to say, that the ball put in motion continued to roll on, until the slave trade was abolished by act of parliament in the year 1807.

But the great anti-slavery movement, begun by the six Quakers did not end here. If it had thus terminated, it would have been in the end, little less than a failure; for, while slavery, the great evil of the age, is cherished, it will be in vain to attempt a complete suppression of its offspring. The great principle of opposition to the one can never be satisfied without the destruction of the other. This principle continued to operate with augmented power, and by various means, until the whole of the African slavery in the British dominions at length tumbled into ruins. The result is before us, even at our doors, in the full and complete emancipation of more than eight hundred thousand slaves in the British West India islands, on the 1st of August, 1838.

It might seem that the victory of this great movement of British philanthropy, should show you what bitterness and violence its projectors and supporters were assailed; and with what strange assurance slavery and the slave trade were defended by their advocates. But time will not permit. Suffice it to say, that the men who urged on the movement were denounced as "hypocrites and fanatics," and their project as visionary and delusive. It was declared in parliament that it was "the intention of Providence from the beginning, that one set of men should be slaves to another." The abolition of the trade, it was confidently predicted, would ruin the colonies, would fill the land with beggars, and would, while the trade itself was actually vindicated on the ground, "its conformity with the principles of natural and revealed religion, as delineated in the word of God!" "We had to contend," (says Clarkson, in his history of that struggle), "and almost to degrade ourselves by doing so, and to sustain an argument of the *humanity and holiness* of the trade!"

And now, Mr. Speaker, can you consider the principles which lay at the foundation of that great movement—can you reflect upon their mighty moral power, and mark their triumphant result, and wonder at the course taken by the abolitionists? Wonder why, sir, would it not be among the greatest wonders of the world that the people of the U. States should, with this history, and these results before them, have continued to sleep over American slavery?

French abolition.

Sir, look at the influence which the British example has exerted upon other countries besides our own. Look at the example which is now going on in France. Abolition is engaging the attention of some of the greatest minds in the empire. Societies are formed, and the subject is undergoing a thorough investigation. I have before me a summary of a report recently presented to the French chamber of deputies by the *Commissaire de la marine*, and the commissaire charged with examining the question of the abolition of slavery in the French dominions, which I beg permission to read. It is as follows:

"The report passes lightly and contemptuously over the arguments in favor of slavery, and takes for granted the error on every mind that it ought to be done away with. It does not propose the question of its being necessary to prepare the slave for emancipation previous to liberating him. M. Tocqueville, in the name of the commission, asserts that all attempts to improve, enlighten and prepare the slave, as long as he is a slave, are impossible. The slave must first be a free man, and then the sacredness and morality of that tie—but incapable of being made to appreciate it, as long as he is a slave. There is antipathy between marriage and slavery—between slavery and the paternity which accompanies marriage. The slave's children are his equals, and he is ignorant of the name which he bears. None of the prudence and other virtues attending paternity accompany it in the slave. Christianity is equally incompatible with slavery—equally unintelligible. The minister of religion appears

either as a support of the master's rule, and is thus

based on daily violence to the conscience of the nation; and therefore, abandons the idea of preparing the slave for freedom by any regulations for his treatment *would still be a slave*. Emancipation, it adds, cannot be deferred.

After this summary which I have seen of this important report represents it as saying: "The idea of emancipation is already present to the minds of all in the colonies. The approach of this great social change, the natural fears and the lawful hopes which it inspires, penetrate all bosoms, and produce a deep agitation. The recent cruelties in the neighboring British islands have brought the idea of coming emancipation home to the planters."

The report concludes by proposing that, in the session of 1841, a law for the abolition of slavery shall be presented, determining the amount of the indemnity which is to be paid to the owners of the property of the emancipated negroes—the labor of the latter to be secured by an express law.

Here is the effect which the principles of abolition, illustrated and enforced by the British example, are producing in France.

Present concerns—revel of our early abolition, and the progress of the great movement of Christendom.

Do you still wonder at the feeling which exists at the north on this subject? Go back for a moment, to the early history of abolition in our own country. Consider the nature and extent of the anti-slavery feeling of the early years of the century, and you will see it. Consider how wide, and deep, and strong was the current of this feeling when the constitution was formed, and the present government was organized; and then think how natural it is that the example of Great Britain, who has gone forward, in the very spirit of our own early abolition, while we have gone backward, should shake our recency to our own principles, and make us haste to redeem ourselves from its reproach. How is it possible, with such associations crowding upon the national mind, that we should not catch some of the inspiration of the times when our fathers, looking up to heaven for deliverance from oppression, thought of the slaves, and promised to deliver, as they themselves prayed to be delivered—of the times when Washington and Jefferson, Martin and Pinckney, Franklin and Jay, with a host of others, distinguished as statesmen, jurists, and divines, united in declaring slavery to be a violation of the "law of eternal justice," and a curse to the country.

Mr. Speaker, look yourself at all this, and tell me if you do not find your own spirit moved a little on this subject—if the fire of abolition does not begin to kindle even in your own bosom, and its impulses begin to move you, and give you a new feeling, and tell me if you can any longer wonder at the anti-slavery movements of the north; or if you can find it in your heart to denounce as "desperate and despicable fanatics" the men and women whose hearts, happily free in this respect from the prejudices of your own education, sympathizing in the great movements of humanity in behalf of the African race, and feel the inspiration of the principles which have wrought out such happy results.

Sir, the present anti-slavery movement in this country is but part of the great movement of Christendom against slavery which has been going on for centuries, and will continue to go on for centuries. Ever since Christianity emerged from the ages of oppression's dark and iron reign—raising her majestic form, and reaching forth her open hands with healing for the nations—has emancipation gone forth with protection for the weak, help for the helpless, comfort for the heart of sorrow, healing for the crushed and bleeding, and life for the dead. It has poured oil and wine into their wounds—given deliverance to the captives—opened the prison doors to them that were bound—broken the fetters from the body—given freedom to the mind—and raised man to the dignity and glory of his immortal nature. On his head it has been inscribed—*emancipation of mind—emancipation of man—emancipation of the press—emancipation of speech*.

Progress of emancipation onward and resistless.

And is it, sir, thought to impede the progress of emancipation by the puny efforts that are made here? Vain attempts! Can you hold the winds, stay the clouds, or stop the course of universal nature? Then why will you seal up the fountains of life in the human soul, extinguish the sense of justice, and arrest the onward march of human emancipation? Stop emancipation! As well might the seafarers at Noah's ark-building have undertaken to slant the windows of Heaven, seal the fountains of the deep, or fill back the tide of life from the fountains of life as they track their last refuge from the rising flood.

There are some who, faithless as to the efficacy of gag resolutions and gag rules, talk of a reception and

commitment of the petitions, and a report thereon;

but they need a remark I would wish to add. A gag speech was made in a certain place, that that speech would put down abolition. Sir, you might as well attempt to blow out the sun as to put down abolition by a speech or a report.

Gag resolutions, gag rules, and "put down" speeches in reports, will be like putting down a walking stick in the Mississippi to stop its current. You think only of a rivulet, when there is a mighty stream. Turn your eyes to the southeast. Behold the gulf stream sweeping by your shores with its resistless and never-ceasing tide. Can you stop it? Try, and you will be saved from the Charybdis of what is the result? The gulf stream moves on! And there is an emblem of the stream of abolition which is rolling in upon the south from the British West Indies. Within a short time it will be swollen by the stream of French emancipation; and then, is the course of a few years by that of Spanish emancipation.

And then, sir, you do not think of the extent and power of abolition sentiment in our own country—Stop up the crater of a volcano, and soon the trembling, heaving earth reveals the mighty agency at work within! Sir, the human heart is full of abolition; and sooner or later it will come forth! There is that in reports which seize hold of the deepest sympathy of the human soul, and gives to it the most intense activity. It is not mere animal sympathy. It is not excited alone by accounts of bodily suffering, nor soothed into indifference by its mitigation. It is a sympathy with the nobler nature of the soul, which weighs in the balance of affection, and indeed, to see him any where comfortably fed, and clothed, and housed; but it, nevertheless, sees him a slave!—his mind darkened, and his heart insensible to any higher emotions than the hopes and fears which are bounded by the narrow space of his earthly existence. It is sympathy of slavery generally—there are exceptions. It is sympathy of the noblest nature, a duty to God and man above the brute that labors by his side. It sees, in short, his *soul transfixed with the iron of slavery*.

The feeling produced by the contemplation of all this is deep, and will be enduring. And, sir, it is to take possession of minds that have hitherto directed little attention to this subject. It has now, indeed, taken the very life of our minds, and men have connected themselves with no anti-slavery associations, and have manifested no forwardness in anti-slavery movements; men who may, perhaps, never join an anti-slavery society; but whose influence will, by and by, tell against slavery with great effect. Under the moderating influence of such men, northern abolition is destined to settle down into a *calm, steady, deep and restless current of abolition sentiment and feeling*, which will make it more terrible to the south than an army with banners.

And then, sir, while abolition shall thus progress at the north, it will begin to be manifested elsewhere. Sir, before you are aware, it will make its appearance in the very heart of the south itself. Hitherto the anti-slavery feeling in that quarter (and there is a great deal of it there) has been absorbed by the scheme of colonization. The delusion that colonization can be made a *complete remedy* for the evil of slavery, by removing the whole of the slave population to the west, and settling them in the colonies, is an utter impossibility; and the egg under the hen at the south are to be thrown upon the simple alternative of *abolition or slavery*—slavery with a fearful increase of numbers, and slavery without end!

When the southern mind shall be brought to look that alternative full in the face, (and the sooner it is done the better,) then will "abolition" begin to make its appearance in that quarter. Indeed, sir, it is now the time to reach the extent that man can advance. And well it may be; for there has long been an abolition agent traversing the whole southern country—an agent of surpassing ability and power—an agent who will soon give your Calhouns and Thompsons something to do besides framing gag resolutions for these slave States. He is a most powerful and successful agent, and he is the only one who has the confidence against the artifice of northern abolition. Do you ask me the name of that agent? I will tell you. It is conscience—the most unyielding, uncompromising abolitionist the world ever saw. He has been lectured at the south with various success. He never fails to visit the *bed of death*, and there often speaks

with great effect! He has lectured in England for the cause of the slave, and he is preparing to visit Spain, and Portugal, and other countries in Europe and America. I warn my southern brethren to look out for this abolitionist—for the purpose of catching and punishing him—for they can do nothing—but to see him as he is—to measure his dimensions—to study his character—to respect his authority—and to yield to his power.

Such, sir, are the foes, external and internal, with which slavery has to contend. And is it thought to restrain them, carrying out the threat to dissolve the union? Sir, it would be like jumping into the crater of a volcano to escape its smoke and cinders. A dissolution of the union to escape the influence of abolition! Why, sir, the moment you do this, there will be enlisted under the banner of the great anti-slavery agent now within your borders a thousand auxiliaries more powerful than all the Birneys and Blanchards, the Stewarts and Stantons in the land. A dissolution of this union for the purpose of saving the institution of slavery! And that in the middle of the nineteenth century of the Christian era! Was ever infatuation like that! Would a dissolution of the union for the purpose of saving the power of abolition? Would it not, therefore, act with tenfold energy? Would not a severance of the union instantly awaken throughout the whole south an *oppressive sense of the evils of slavery*! And a still more oppressive sensibility to the deep disapprobation of the slave trade, and the slave trade itself, which is prepared to quit this fair land of promise and of hope, and launch upon the deep, in search of regions beyond the reach of civilized and Christian man, then, but not till then, let it talk of dissolving the union to save the institution of domestic slavery.

Disposition towards slaveholders—responsibilities of pious slaveholders.

In discussing this subject I have spoken, as I felt bound to do, with great plainness of the character, the encroachments, the deserts, and the doom of slavery. In doing this, I fear that, though intending to avoid harshness, I may have been unconsciously betrayed into it. With slaveholders I have no personal controversy. To them, as to all, I would be respectful and kind, and as I must stand up and decided in my hostility to slavery. Of their motives in sustaining the institution of slavery, I have nothing to say. I am not constituted a judge of their hearts. There is one that judgeth. I assume no such office—standing here not to lecture on morals, but to speak of *human rights*. Nor would I insult any man by saying that he is an atheist or an infidel. They are foreign to my feelings as they are to the properties of the place and the occasion. Let those who choose, wield such weapons. My business is to reason, not to rail; to censure, not to denounce. For the slaves I have pity; for their masters no other than feeling, truth, and goodness. They are all my brethren; and I would no sooner insult the feelings of the one than I would apply the lash to the backs of the other.

Among slaveholders there are men of great personal worth. I see such around me. But I must be permitted to say to them, and to all that stand in this relation, that they know not what they do. They avoid, doubtless, what are called the cruelties of slavery, and are regarded as kind masters. But they do reflect that they, and such as they, constitute the very pillars of slavery—that the *whole system*, with its admitted cruelties and undeniable outrages, is upheld by their aid and approval. They are allured to withdraw from their countenance and support. That such would be the effect is undeniable. How much longer they can, under the increasing light of the rising day, continue their present relation to the institution, or whether any longer, I will not take upon me to say. But I do say, that there are responsibilities connected with a continuance of this relation, which have something to do with the *consequences* of that relation; something to do with the enormity of the *system* of which it forms a part, and which they are endeavoring to clothe with the sacred garb of Christian principle. The truth is, the *whole system* of slavery is wrong, unchristian, and unjust. Slaveholders avoid what they deem oppression and cruelty, without reflecting that, in its widest forms, slavery contains the *great essential element* of all oppression and cruelty—namely, *injustice*.

Expediting and justice.

Before closing, Mr. Speaker, I beg permission to consider, briefly, an objection which is urged against granting the prayer of the petitions which the contemplated rule would reject, drawn from considerations of expediency. Admitting, says the objector, that congress have the power to abolish slavery and the slave trade here, yet it is inexpedient to do it. Sir, this is a question of expediency, and I do not illustrate. I take a man's horse and put him into my

* Since the delivery of this speech, there has appeared the issue of Pope Gregory XVI., against the slave trade, and the Convention of 1839, in London, has expressed very clearly that there is hereafter to be an interference from that quarter, which will tell with tremendous effect against slavery—an influence that will enter the very heart of the slave in Brazil, the Spanish West Indies, and the United States.

stable as my property. Justice comes and says, open the door to the slave, and let him in.

But the law has ever been a law of expediency, and the edicts of justice. No. Then let the door be opened at once, and let the law be repealed without delay. Who will say that expediency may resist truth?

But let us vary the case. Instead of taking the man's horse, I take the man himself, claim him as my property, drive him to my fields and compel him to labor without compensation. Justice meets me, and says, lay down that whip, and cease to claim that man as property. But the law has authorized me thus to claim and use him. No matter for that, I say, let him go; and the law-makers I say, repeal your law immediately. Would not expediency blush to be seen countermarching either of these orders?

Take another case. There is a man riding through Pennsylvania avenue, and there are fifty men in chains marching before him. What is he doing with them? Driving them to market? Justice comes along and asks. By what authority are you doing this? By authority of the laws of the United States, is the answer. Have these men committed crimes? asks justice. No, is the reply. Then knock off those chains and manumit them. What is he doing with them? To chain and drive these men, and I shall do it; cease your impudence. And what next do we see? Why, sir, justice turns from the scene of horror, and, lifting up his trumpet voice, says to the nation, cease this injustice; command that these victims of oppression be manumitted; command that these chains be broken off. Justice cries the slave driver, it is *impracticable*! *impracticable*! *impracticable*! exclaims justice, break these chains and let them not, for another moment, bind the limbs that God Almighty made for freedom.

Who, sir, will dare stand up, and in the name of expediency resist this command? None but those whose minds have never grasped the great idea of justice; who have never considered the nature and authority of its claims upon human obedience. Justice! How deep and comprehensive its meaning! How inflexible its decisions! How inexorable its demands! How watchful is its guardianship of human rights! How deep does it lie in the foundation of our civil institutions! The English common law, the inheritance and the blessing of our country, rests upon it. It gives stability to our state constitutions; and here it is, the very "corner stone" of the federal constitution. "To establish justice!" How prominent is this in both our national mottoes, and the assigned purposes of its adoption; and with what singular appropriateness was it made to precede and stand in immediate connexion with another great purpose, namely, "to ensure domestic tranquillity," forming, in fact, the true and only basis upon which that tranquillity can rest.

Justice! Sir, it is the noblest attribute of the Almighty, immutable as his own nature, and firm and enduring as his everlasting throne—high as heaven, deep as hell, and broad and boundless as the universe. Justice! Let that word be engraved on the pillars that surround these halls of legislation, and upon the wall of the executive mansion; let it blaze from the dome of every temple in the union, let it be written in stars on the expanse of the American heavens; and let it be deeply furrowed with the ploughshare of truth upon the broad face of our country, from ocean to ocean.

But I am asked—with all your veneration for justice, would you now vote to abolish slavery and the slave trade in the District of Columbia? I say, yes, "public opinion throughout the union against it." And is it not "utterly impracticable?" That may be; though I think the public opinion is less opposed to it than the objector imagines. But it is not impracticable for me to vote for it, or at least, to declare that I will do so. I can find an opportunity. Possibly my vote might stand alone, though I do not deem that quite certain. But the vindication of many a right has had as small a beginning as this. None that I ever heard of was vindicated by beginning with the declaration that nothing could be done, and, in the end, it being found that nothing could be done, he believes that justice demands the abolition of slavery and the slave trade in this District, let him say so by his vote. If he begin alone, he will not long remain so. How small was the beginning of abolition in the British parliament—small, I mean, in numbers and immediate influence, though greater in principle. I can find many an opportunity for the measure. It was WILBERFORCE—possessing a soul as large in its benevolence as the universe, and a mind that grasped the mighty subject in the profound depth of its great principles, and in its vast bearings on the destinies of the race whose rights he and we were deliberating upon—whose spirit elevated his devoted life. WILBERFORCE! A name I feel unworthy to pronounce, and which I never can

pronounce but with the deepest veneration for his memory, and with great awe.

When Wilberforce moved, for the first of the ten times he did move, the abolition of the slave trade, he was denounced, even by name, on the floor of the house of commons, as a "hypocrite and fanatic;" a rock of truth and justice he stood unshaken, and the magnitude and threatening aspect of the system of injustice which he assailed. And think you he would have been less earnest and less persevering in that cause, if, instead of a trade in slaves between Africa and India, the trade had been between London and Liverpool as it is here, between Washington and New Orleans?

It is said, I know, that the abolition of slavery here is but a small matter. It is, however, small only in comparison, with the great work which is to be done in the states beyond the reach of our legislation. Yet, sir, it is, in an absolute sense, that involves a question of justice. Justice listens as attentively to the claim of one man for the rights that God has given him as to the clamors of a thousand. Here, within our exclusive jurisdiction, are men who claim justice at our hands; and shall we refuse it? Can we refuse it? So far as my humble voice can go, it shall not be refused for a day or an hour.

But if a majority of this house are not ready now to vote for the abolition of slavery here, will they vote for the abolition of the slave trade? That the abolition of the slave trade is prepared to be done will not, admit, until I am forced to do it by something more conclusive than "doughface" predictions that it will dissolve the union. Sir, it is a foul libel on this nation to say that it is not prepared to abolish the slave trade here. It is not, then, in the name of expediency, I say, let it repeal its laws against the foreign slave trade, and permit the dealers in human flesh to disgorge their cargoes of living death upon the shores of the republic.

You will perceive, Mr. Speaker, that I make the demands of justice imperative. We are so constantly in the habit of consulting expediency, and very rarely, if ever, in the ordinary course of our proceedings, we are prone to forget the *perpetual* character of the claims of justice. We are often afraid to justice, because of supposed consequences. Nothing can be more false in ethics than this. We should "be just and fear not." "What do the Lord thy God require of thee, but that thou *do justly, love mercy, and walk humbly with thy God?*" Is it not the duty of our nation under heaven upon whom the obligation of this requirement does not rest with perpetual, unmitigated force. Are we to oppose our short-sighted apprehensions of danger to the demands of justice? Are we to withhold the authority of the Giver of this law of justice and mercy, and that the world may be converted, not by blind chance, but by his meriting Providence; and shall we not trust to Him to take care of the consequences of a compliance with his own commands?

But if our faith is not satisfied with reasoning *a priori*, shall we not be convinced by the reasoning from facts? What nation or individual ever suffered from doing justice? Take, for example, the cases of emancipation. Although they have often been preceded by gloomy predictions of evil, of massacre and blood, yet what single page of history has recorded any such fulfilment? St. Domingo has often been cited as an exception. But if it were an exception, it would prove the rule. It is not, however, an exception, as I could easily show if I had time—the massacre and blood having resulted from the cruel attempt of Bonaparte to force the emancipated back to bondage—an attempt which they nobly and triumphantly resisted.

But even if St. Domingo were an exception, it would prove nothing to the objector's purpose, since emancipation there was in the midst of a revolution in the mother country, distinguished, as all know, by cruelty and blood, and by an entire absence of all religious scruples. All who know any thing of the history, especially of modern emancipation, know that it lives and moves and has its being in the benign and peaceful spirit of the Christian religion—a spirit that acts at once on the emancipators and the emancipated. Let those who are filled with apprehensions of evil from emancipation, consider that, in the words of our scriptures, that at any time heretofore, is Christian principle to become the master spirit of abolition, exerting its hallowing influence upon both the white and black races, giving a healthful and wise direction to the measures of the one, and chastening the feelings, elevating the purposes, and increasing the awakened energies of the other.

Emancipation, immediate and simultaneous.

But, I am asked, must emancipation be immediate? Is it not necessary to prepare the slave for free-

dom? Experience has shown that one of the most successful means of preparing the slave for freedom is to place him in a state of slavery so utterly incompatible with preparation for the enjoyment of freedom. Thus the operation of West India emancipation has been found more favorable in those islands where the emancipation was immediate, as in Antigua and the Bermudas, than in those where the system of apprenticeship was adopted. Those concerned in the present movement in France have, it seems, fully considered this subject, and have arrived at the conclusion, as in the report of M. de Tocqueville to the chamber of deputies, to which I have referred, that immediate is preferable to any form of gradual emancipation.

The truth is, that the need of preparation is on the part of the free, rather than the enslaved. By this I mean that the success of all attempts at emancipation must depend upon the promptness and freedom of the act—having reference to the effect upon the feelings of the emancipated—and the kind and paternal legislation which shall be afterwards adapted to their peculiar situation; legislation which shall bring to bear, systematically, upon their roused energies and quickened intellects the conservative influences of a pure religion and an uncontaminated literature.

And, sir, shall not all this be done? Can it be withheld? Is it not a debt long, long due to this unfortunate and oppressed race? Has not their degradation been the result of the success of those to whom have they labored? Whose fields have been manured by the sweat of their brows? Whose tables have been spread with the fruits of their toil?

There are many who are strongly wedded to the old but soon-to-be exploded system of emancipation upon what is called the *post ad principium*—that is, emancipation which takes effect only on the *after-birth*. No system can possibly be worse than this. It leaves the training of the free children in the hands of slave mothers; and brings into perpetual contact the free and the enslaved, each to exert the worst possible influence on the other. To this cause, with the cruel neglect of legislative provision for the education of the emancipated, is to be traced the degradation of the free black population in the slave states, as well as in those states—Pennsylvania, for example—in which emancipation has been effected on the principal just mentioned.

The true system is, to emancipate all at once—to place the freedman upon a level like one of noble generosity—and thus—by the example of the free Indians—excite a common feeling of gratitude in the emancipated, and rouse them to common and simultaneous efforts, and emulation, in the march of improvement. Who can fully estimate the results of removing the crushing weight of slavery, and leaving the common man of an emancipated race to find its way, by the aid of wise and beneficent legislation, onward and upward in the march of intellectual and moral improvement?

Effect of abolition on the south.

Impressed, as I am, with a conviction of the decided advantage of immediate and simultaneous, over gradual emancipation, I cannot doubt that when the south shall come to emancipate, as they will one day do, they will nobly strike for immediate and simultaneous emancipation. There is a promptness and generosity in the southern character which is a sure guaranty of this. I know it is said that abolition has thrown a weak emancipation half a century. There are *one* kind of emancipation that abolition fear the back; and that is, *gradual emancipation*, with colonization as a remedy for slavery. In doing this, it has done a great service to the cause of genuine emancipation, because it has prepared the way for the adoption of a system founded on true principles. It is drawing the patient from a pernicious and deceptive reliance on an inadequate prescription, to the true and only remedy.

It is said that the north had better be quiet on this subject, for that the south will not listen even to truth coming from that quarter. Sir, this suggestion involves an imputation upon the intelligence and love of truth of the south, too dishonorable to be endured for a moment. There is an opportunity for feeling there, I know, which seems to justify the assumption. But it will not be enduring. The involuntary homage of the human soul to truth, checked for a moment by a feeling of independence—a noble impulse, rightly directed, will yet break out in the south, and, overcoming the selfishness of the prejudice, the ignorance of education, and the misdirected feeling of independence, will produce results that will astonish the world. The struggle may be long, but the triumph of truth will one day crown it. I may not live to see that day; but as surely as the wheels of time roll on, so certainly will that triumph come to bless

CHRONICLE.

ADVENT CONFERENCE. A series of religious exercises are taking place at the Broadway tabernacle, N. York, having reference to Christ's second advent upon earth.—The following are understood to be the heads of the doctrines, which the conference design to put forth during the course of their deliberations.

1.—The kingdom of God is nigh at hand.

2.—The millennium will be preceded by the personal appearance of Christ upon earth, to call the quick and the dead to judgment.

3.—The promised restoration of the Children of Israel is not to be understood in a literal sense, as referring to the return of the Jews to Palestine, but to the final resurrection of the saints.

ARKANSAS BONDS. The commissioners of the state of Arkansas, last year appointed a certain number of sales lands, for certain purposes, with a banking company of New York. The commissioners now caution the public not to trade for these bonds, because the bank has no authority to sell or pledge them. Thus is the sad and open avowal of repudiation, backed by some half dozen or more failures to meet the payment of principal and interest as it fell due.

AUTHORS COMING. Charles Dickens, esq.—Boz—in-ten, it is stated, is visiting the United States in January, says Professor Wilson—Kit North of Blackwood—in May.

BANK ITEMS. United States versus U. S. bank of Pa. This suit tried in Philadelphia recently, for moneys withheld from the United States to pay the damage on the French bills of exchange. Judge Baldwin decreed in favor of the United States. The law of the law of the bank is like any individual; their sovereignty being parted with, *pro hac vice*.

2. That the claim of the defendant to damages must have been by the sale of the Maryland, the place where the bill of exchange was drawn.

3. That, by this law, damages were only allowable to the actual holder of the bill of exchange at the time of the protest, or to an endorser who has paid the damages sustained upon it.

4. That the bank was not the holder of the bill at the time of protest, nor an agent for the holder; and that no proof had been given to show that it had paid the damages sustained by the protest.

The defendant's claim for damages was therefore rejected by the court, and the jury gave a verdict for the United States for \$251,243 54 damages and six cents cost.

The circulation of the whole of the banks in the city of Baltimore was on 1st January, 1841, \$2,195,267, on 1st Jan. 1841, \$1,781,996; and at this date, \$1,159,000. Being a diminution of over one million, or of nearly one half of the circulation.

This however has been more than succeeded by Baltimore and Ohio rail road now in operation, upon city faith, and of which there is no end in circulating new \$1-50 and 50-cent and constitutes the almost entire common currency, the high at a discount of from eight to ten per cent. for bank paper at present. Attempts have been and are yet urged to induce the banks to take these notes at par. It would place it out of their power to resume specie payment's soon.

The Still Water Canal bank at Oran. We learn from the Newburyport Herald that an injunction has been placed on this bank. The report of the bank commissioners of Maine says this bank has been in the hands of New York speculators, introduced by Mr. Cyrus Moore. The bills are nearly all in circulation in distant states. The amount of the circulation is \$25,229. The bills are in the Y. S. \$18,212, and are of small value, principally in executions, and \$8,354 due from the New York speculators, of which \$18,557 was paid for stock, and \$24,195 bills paid out. There is a deposit of \$6,000 in the Y. S. bank, New York, to redeem the circulation, of which is supposed to be exhausted. The bank also owned a dwelling house, which has been destroyed by fire, and the real estate is nearly worthless or nothing. The bills are, of course, of no value, except upon what may be obtained of the New York speculators.

The North American Trust and Banking company, it is said sent his lawyer ten thousand dollars for drawing up its articles of agreement; and that the Commercial Bank has been in the practice of helping to influence with the other banks by handing over every morning the checks of certain brokers to the amount of fifty or sixty thousand dollars. These checks were procured in exchange for an equal amount of Commercial Bank notes, which were paid out at the brokers' counters during the day, and the brokers allowed a commission. [N. Y. Jour. of Com.

The two banks of Circleville, Ohio. The recent failure of one of these banks, generally called the new one, elapsed in 1841, renders it necessary, for the safety of the public, to state that the notes of the broken bank are variously signed by S. G. Kenick, E. Brown, and J. Darst, its president or vice president; and by H. H. Wain, J. M. Wain, and W. W. Wain, its directors; and that none of the sound and specie paying old bank, are signed only by Jos. Olds, president, and H. Lawrence, cashier.

Furness' Bank vs. Colburn and others. The decision in this case was given on Monday last, by Judge Smith, against the bank, and in favor of the defendants, Messrs. Rockingham, & Co. Register.

COAL. A deposit of Kennel coal, in free supply, has been discovered near Pittsburgh.

It has been stated that the Welch coal-fields extend over 1,200 square miles, and that there are twenty three millions of workable coal, having an average thickness of ninety feet thick. Each acre will yield about 100,000 tons, being at the rate of 65,000,000 tons per mile. If from this we deduct one-half for waste and the minor extent of the upper beds, this will leave an average of 50,000,000 tons per square mile. Let it be conceded that 5,000,000 are equal to one-third of that consumption in England, then each square mile of the Welch coal field will meet a proportionate consumption of 16,666,666 tons in this district, it would supply England with coal for 2,000 years after all the English mines were exhausted.

COTTON MANUFACTURERS. Ship Henry, of Newburyport, lately cleared at Liverpool for Ostend, there to be laden with machinery and fuel for the manufacture in cotton, to be conveyed to Vera Cruz and put into service in Mexico. The machinery was made at the Phoenix works in Ghent.

THE CRANBERRY CASE. The Post says, that at the supreme court held in Plymouth last week, the famous cranberry case, was argued, and the court was equally divided, and decided in favor of Yarmouth; the court determining that the right to pick whortuberries, cranberries and wild fruit on lands owned in common, and not private property, was no trespass.

[Boston Journal.

DEATHS. During the last week in New York 154, of which 51 were under two years of age, and 26 died of consumption.

ELECTION. This morning's mail furnishes us the official returns from the city of New York.

For senators the vote stands, VARIAN (Van Buren) 16,341; Taylor (Van Buren) 16,207; Lord (wing) 16,119; Parry (Van Buren) 16,112. One Van Buren and one wing elected.

For assembly. Ten Van Buren and three whigs elected.

The counties—so far as accounts are received, the whigs loose in Ulster 2; Albany 3; Rensselaer 3; Schoenectady 1; Fulton 1; Saratoga 2; Oswego 2; Jefferson 3; Madison 3; Chenango 3; Cayuga 3; Wayne 2; King 2; Richmond 1—31. Whig gain in Montgomery 1; N. York 2.

FIRES. Property to the amount of \$30,000 was destroyed by the late fire at Georgetown, S. C.

The main building of the Jefferson college at Washington, Mass. took fire on the morning of the 29th, and was consumed. About 500 volumes of the library were destroyed, and the archives of the Mississippi territory. Loss estimated at \$30,000, besides the archives, which money cannot replace.

FLOET has been in demand this week in New York at \$64.06 for Genesee, \$6.25 for Brandywine.

NEW ORLEANS. On the 19th ult. there were 20 deaths, 9 by yellow fever.

The New Orleans physicians state that during the 24 hours ending on the 23d ult. there were 13 deaths by yellow fever. The whole number of deaths in that city during the week ending on the 23d, was 149, of which 96 were by yellow fever. A white fruit was visible at New Orleans on the 23d.

TEMPERANCE REFORM IN CANADA. A cross has been recently erected on the Beaufort or Champlain Mountain, Lower Canada, as a memorial of the great and successful exertions of Count Barthelemy, bishop of Nancy, in France, for the advancement of religion and temperance in that province. The Montreal papers say that the count, who is a Frenchman, and a member of the Mississippi present at the ceremony. The mountain on which the cross is erected is about 2,000 feet high, and from whatever spot the eye may embrace it, there will this memorial of the bishop's mission in Canada be visible.

PRINTING OFFICE. The capital employed in the printing establishment of Messrs. Glover, London, is nearly a million and a half of dollars. They employ three hundred and fifty workmen, and use five hundred thousand dollars worth of paper a year.

"THE PARTISAN LEADER" is the title of a novel published a short time since, and which is now exciting some attention. It is the work of the editor of the New York Courier and Enquirer having introduced the authorship to the present secretary of the navy, Judge URSURE. This being denied by the Madisonian, the Enquirer next alleges that Judge URSURE revised the book, and that it was from the pen of a near neighbor and friend of his (Judge Tucker). The Madisonian of the 26th intimates that neither Judge Upshur nor Judge Tucker wrote the book.

SANTA FE TRADERS. The Missouri of the 9th ult. contains a letter from Santa Fe, consisting of three paragraphs and three hundred and fifty miles, left our town a short time ago, on route for Santa Fe. The expedition is superintended by Signers Amador, Chaves, and Montoya. They are taking with them a large quantity of goods. Our town now is comparatively quiet, and the traders who occasionally cleared the dull monotony of our village have generally left, either for the mountains, or the rocky mountains. May success attend them in their various enterprises.

SPRUE. The effects of the British system of pushing commerce, are demonstrated. H. B. M. ship "Orontes," arrived at Rio de Janeiro on the 5th September last, from the Pacific, bound to England, with 5,000,000 dollars on board in specie and bullion. She sailed from Rio for England on the 13th September. Left on the west coast for Mexico, H. B. M. ship "Electra" waiting the arrival of a conducta of specie for England, of 3,000,000 of dollars.

About 5,000,000 New York by the last packets for England and France.

The London packet ship Philadelphia takes \$35,000 specie, chiefly sovereigns. The Havre packet ship Oueda takes 500,000 francs, chiefly Mexican dollars and American notes.

STATES. The Texian congress have directed a marble bust of Senator Walker, of Mississippi, who made the motion in the United States senate for the recognition of the independence of Texas, and a portrait of Senator Preston, who seconded the motion, to be placed in the capitol of that republic.

STEAMBOAT. The Bankerhill, Captain Huntington, belonging to the Connecticut River Steamboat company, on her passage from New York to Hartford, ran ashore about 10 o'clock Sunday morning in the fog, on the Connecticut Point, and was so damaged that she could not run. The passengers and freight were landed in safety. It is thought that the machinery will be saved; if so, the loss will be about \$20,000. No insurance.

STEAMERS. We learn from an article in the United States Gazette the single item of cost required for each of the British steamboats now in operation on the Pacific is \$18,064. The average cost of steamers for Hulls and 33 for Liverpool. Mr. Barrow, charge d'affaires to Portugal, was among the passengers.

The Cunard Steamers had, up to the 17th July last, made 19 voyages to Boston, averaging 14 days 10 hours per voyage. The longest voyage was that of the Acadia in March and April last—18 days 12 hours; the shortest that of the Columbia in June—12 days 2 hours. The voyages made in 12 days 10 hours, and in 12 days 12 hours. The time is calculated from the hour of departure from Liverpool to arrival in Halifax, without deducting time of detention at Halifax.

STOCKS have declined in price this week, both in New York and Philadelphia markets.

TEA. Tea exported from Canton to Great Britain, from July, 1840 to June 1841			
Baba	288,017 lbs.	Thyank	1,237,278 lbs.
Congou	19,759,745	Hwain	1,012,197
Caper	7,121,353	Hysen Skin	115,721
Lo-chung	5,042,431	Lo-chung	7,622
Sors	83,969	Gunpowder	75,535
H. Mney	137,953	Imperial	819,549
Pekoe	2,029,888		
Orange Pekoe	709,971	Total	27,197,073
Cargoes not despatched, estimated			2,000,000
			29,197,073

THANKSGIVING. Governor Seward has appointed Thursday, the 9th of December next, to be observed in New York as a day of thanksgiving and prayer.

The 25th November was observed as a day of thanksgiving in Maine, Massachusetts, Connecticut, Vermont and New Hampshire.

TOBACCO TRADE OF PHILADELPHIA. The Philadelphia American states that the number of screw presses in the tobacco manufactory in this city, is now nearly completed one hundred and fifty headsteds can be sampled and inspected daily. The following statement will show the rapid increase of the inspection at this warehouse, since the 1st of July.

In 1839, 2,532 lbs. 40 boxes and 50 bales tobacco and 73 lbs. stems.

In 1840, 5,293 lbs. 33 boxes tobacco and 10 lbs. stems.

In 1841, to November 1st, 6,103 lbs. 136 boxes, and 77 lbs. stems.

WEATHER. Snow fell on the 22d of October in Benart district, S. C. and to the full depth of four inches on the 23d October at Geneva, N. Y. and on the 21st to the same depth upon the mountains in Allegheny county, Md. Ice formed on the morning of the 26th at Charleston, S. C. On the 27th the forenoon was clear, with much clearing in the morning. The weather in Maryland, and continued until the 4th of November, when it clouded up and became cold and blistering, then came literally the "fall of the leaf." The farmers who had assumed the splendid attire of an American autumn, rapidly were stripped of their colors—the "scar and yellow leaf" relinquishes its frail hold upon distinction and now returns to enrich the mould of its mother earth for reproduction.

WHAT IS SELLING at Green Bay at 70 cents a bushel and our at \$7.50 a barrel! Should like to have a mill there.

WIDOWS. It is calculated that there are fifteen hundred widows in Boston. We were about to give some advice on the premises, but forbear. The scriptures say, if any have widows, let them relieve them.—[Atlas for widows.

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NATIONAL AFFAIRS.—"President" return to Washington; appointments; western army; American whale fishery. A. ARMY.—General orders Nos. 62, 63, 66, 67, 69; operations in Florida; recruits; list of cadets appointed 1871. Mr. RAYNER's address to the Senate, 10th day of the naval school, Brooklyn; the Potomac and Enterprise.

JUDICIAL TREATY GROUND.
PRESIDENTIAL.—Letter from General Scott.
Mr. RAYNER's speech on abolition topic.
CHRONICLE.

FOREIGN ARTICLES.

The *Great Western* steamer left Liverpool on the 23d ult. and reached New York on the 8th instant. She brought over one hundred passengers, amongst whom were Mr. STEVENSON, American minister, and family—Major Thorp, and a valuable cargo of woollens and silks.

The *Britannia* steamer was detained two days by the British postmaster general in order to bring out despatches. She left Liverpool on the 21st ult. and reached Boston on the 4th inst.

These two arrivals furnish us with later European intelligence, but nothing of material importance. There was very considerable excitement in England in relation to the McLeod and Grogan affairs, and many of the French papers speak of a war being inevitable, in which France of course calculates to be involved. The New York papers state that private letters of the latest date received from England evince more apprehension that war was inevitable than even the public journals—and they were teeming with the topic. Certain it is that war-like preparations are actively going on in England—but we have full faith that the general disposition is averse to hostilities with the United States.

We regard the feverish condition of foreign feeling in relation to the posture of affairs between England and the United States as indicative of the excessive sensibility of the stock jobbers on one hand, and the fury of political partisan newspapers that live upon excitement on the other. The two governments, and the great body of the people of the two countries are but slightly affected by their ebbs and flows. Whilst all were upon tiptoe when the steamer left to ascertain the result of the McLeod and Grogan affairs—the people of the United States are quietly pursuing their peaceful course and but little apprehensive of peace being further disturbed on those topics at least. A calm will be found to prevail in Europe on their receiving the information which they must have done in a few days after the steamers left.

The Sheridan, Caledonia, Monongahela and Gladiator had arrived out—the latter in sixteen days. Vol. XI.—Ste. 11.

nine hours—said to be the shortest passage on record.

The Russian steamer Kamschatka which left New York on the 29th September, reached Southampton (British channel) on the 21st ult.

The packet South America beat the Caledonia steamer out.

GREAT BRITAIN.

THE EVENING was expected to be confined in a day or two. On the 10th and again on the 17th some alarm was excited and the physicians were summoned. Fears were needless. The queen and court left Windsor Castle for London on the 19th ult. where she intended to remain till after accouchement.

THE LAST DULCETIN. The queen continues in excellent health, but understands her majesty's accouchement is daily expected. Yesterday afternoon orders were given by Sir James Graham for messengers to be in attendance at the home office night as well as day, and if any information of her majesty being indisposed were received, that expresses should be immediately forwarded to all the cabinet ministers, whether in town or country. [Standard.]

PROLONGATION OF PARLIAMENT. House of Lords, Oct. 7. On this day parliament was prorogued by commission. At a quarter past two the Lords commissioned, viz: the lord chancellor, the duke of Wellington, lord Warrcliffe and the earl of Shaftesbury and the commons having been summoned, the royal assent was given to the following bills—the exchequer bill, the poor law, continuance bill, and the population payments bill. The lord chancellor then read the following speech from the throne:

"My lords and gentlemen. We are commanded by her majesty to acquaint you that it appears advisable to her majesty to bring to a close the present session of parliament.

In conformity with the advice of her parliament, and in pursuance of the declared intention of her majesty, her majesty has taken the requisite measures for the formation of a new administration, and the arrangements for that purpose have been completed by her majesty.

"Gratitude of the house of commons. We have it in command from her majesty to thank you for the supplies which you have granted to her majesty for those branches of the public service for which complete provision had not been made by the late parliament.

"My lords and gentlemen. The measures which it will be expedient to adopt for the purpose of equalizing the public income and the public expenditure, and other important objects connected with the trade and commerce of the country, will necessarily occupy your attention at an early period after the recess.

"Her majesty has commanded us to repeat the expression of her deep concern at the distress which has prevailed for a considerable period in some of the principal manufacturing districts, and to assure you that you may rely upon the cordial concurrence of her majesty in all such measures as shall appear, after mature considerations, best calculated to prevent the recurrence of that distress, and to promote the great object of all her majesty's wishes, the happiness of her people."

The distress among the inhabitants of many of the towns in England is dreadful. Public meetings continue to be held for the purpose of adopting some measures for their relief. The deputation appointed by the magistrates of Reufreshire and of the town of Poole, to lay the distressed state of the inhabitants of that part of the country before government, had an interview with Sir Robert Peel at his official residence in Downing street.

Mr. Hastie, the member for Paisley, introduced the deputation, and Sir Robert Peel expressed much sympathy with the sufferings of the unemployed people. The principal object of the deputation was to solicit the patronage of the government to a metropolitan subscription, but to this proposal Sir Robert Peel declined giving his consent, at the same time he expressed his readiness to support such a subscription but as a private individual.

A public meeting was to be held at the London Tavern, on the 23d ult., for the purpose of taking into

consideration the alarming distress existing among the operatives of Paisley.

Lord Ellenborough has been unanimously appointed governor-general of India, in pursuance of an intimation from the board of control, that the noble lord had been selected by her majesty's government to fill that high and important office.

It is currently reported in the professional circles that Lord Lyndhurst will relinquish the seals at the commencement of January term, and that Sir W. W. Pollett, the solicitor-general, will be his successor. In connexion with this arrangement, it is also said that Lord Alinger will, at the same time vacate the chiefship of the exchequer, and that Sir Frederick Pollock will be his successor therein.

The Great Western arrived at Bristol on Friday morning, Oct. 8th, having made the passage in 12 days and 12 hours. From our private letters we learn that there was a most extraordinary interest manifested among all the leading merchants of London and Liverpool at the non arrival of the Caledonia at her usual time. She encountered very severe weather, and did not reach Liverpool till the evening of the 19th ult.

DEATHS. Lady Amelia Lennox, sir H. Wyvatt's lady, and lady W. Jordan, sir H. Martyn, and the bishop of Killmore, are dead.

The first of the West India steamer packets is to be the Clyde. She is to leave Southampton for Barbadoes on the 13th inst.

The steam frigate Styx, with sir Charles Bagot the new governor general of Canada, was detained at the Cove of Cork, awaiting the arrival of the Caledonia, with the news of the McLeod trial, and the facts of the seizure of Grogan—that he could have the final instruction of the home government.

The Styx left on the 21st.

The London Times of the 15th says—"His excellency Col. Todd, envoy extraordinary and minister plenipotentiary to Russia, from the United States, arrived at Weymouth house, Portland Place, last evening, from Liverpool, en route to St. Petersburg. Mr. Everett the American minister had not reached England."

The lottery system is to be revived in England.

The sea is making terrible inroads on the south coast of England. Great damage was done by the high tide of the Thames, Oct. 18. The streets were overflowed and all the sewers and drains choked up. The adjacent thoroughfares and houses could be reached only in boats.

APPOINTMENTS. The following official announcements were made in the London Gazette of Oct. 19, viz: of the appointment of rt. hon. Henry Lord Cowley, ambassador extraordinary and plenipotentiary to the king of the French; rt. hon. Charles Lord Stuart de Rothsay, ambassador of the same rank to the emperor of all the Russias; rt. hon. sir Robert Gordon, the same to the emperor of Austria; rt. hon. sir Stratford Canning, the same to the sublime Ottoman Porte; and the rt. hon. Lord Burgersh, the same to the king of Prussia.

M. de Bonapourcy is appointed French envoy to Constantinople in place of M. de Pontois.

Mr. O'CONNELL has been elected lord mayor of Dublin, and has accepted the office.

NAVAL PREPARATIONS. The dock-yards of Woolwich, Sheerness, Chatham, Portsmouth, Plymouth and Pembroke present quite a warlike appearance, as for the last three weeks the greatest activity prevails in getting ready immediately for active service no less than twenty-five ships of war, of different classes, in consequence of the unsettled state of our relations with the United States of America and China.

EMIGRATION TO AMERICA. Yesterday afternoon at 4 o'clock, the large American emigrant ship St. James, capt. W. S. Sebor, commanding, was hoisted out of St. Katharine's Dock, well filled both with goods and passengers. The emigrants are 315 in number—viz. 170 storage passengers, 12 chief cabin passengers and 29 in the second cabin. The storage passengers are principally from Kent, and consist of small farmers, who intend to settle in the state of New York. Many are from the neighborhood of Ashford, and there are 70 from the parish of Blackley, in that vicinity. The vessel leaves Portsmouth

this day for New York. A great number of persons assembled on the pier-head to witness the departure of the emigrant.

Captain Canfield, of the United States army, was married yesterday at Trinity church, Portland-place, to Miss Mary Cass, daughter of his excellency Gen. Cass, minister of the U. States at Paris. Amongst the company present were Col. Todd, Mr. Stevenson, Mrs. Stevenson, his excellency U. S. minister to St. Petersburg, &c. *London Herald, Oct. 23.*

THE McLEOD CASE. The preliminary proceedings in this case had reached Edinburgh, and of course, the occasion for much remark. The tone of the papers generally is unexceptionable, although some few of them were disposed to make trouble, if possible. The whig papers vindicate the course of the late administration, and, in so doing, of necessity justify to a great extent the proceedings of our government, while the Tory journals, in their anxiety to throw blame on Lord Palmerston and his colleagues, of course, are forced to admit that all our proceedings had their justification in the proceedings of the British government.

Meantime a writer in the Times, conjecturing that there must be war has been moving himself and the public with a long dissertation on the proper method of carrying on the war—the substance of which is conveyed in the following propositions:

1. The breaking up of the union, by detaching the southern states from the northern and middle states.
2. The destruction of the resources of the northern and middle states.

Great Britain, he adds, should immediately prepare to ally herself with the southern states, and wage war upon the resources of the northern.

The other journals attack these propositions without mercy, as well on the ground of impracticability as of feasibility. The Herald, in particular, devotes and denounces their author as "in heart a freebooter and buccanier."

REVENUE. The account of the revenue for the quarter ending Oct. 10, exhibits an increase on the quarter compared with the produce of the corresponding quarter of last year, amounting to £241,721. The income of the year amounting to £4,913,946, which was an increase of £248,148, compared with the produce of the preceding year. There was a large increase in the duties on the excise, and on taxes, and decrease of £467,522 on the customs, and £265,000 on the post office.

TRADE. More failures have occurred in Glasgow. *London, 20th October, 1841.*

There is still little improvement to notice in the state of the trade generally since our last advices.

The payment of the dividends was naturally expected to have made money easier; but the accounts from the U. States of the 20th September, of the war with much apprehension, and the great uncertainty existing as to our relations with your government, has depressed our funds and the same high rate of discount is continued.

MONEY MARKETS. *London, October 21, 21 o'clock.*

The general tenor of the advices received yesterday from America is considered more satisfactory than the previous reports, and people here are disposed to be in better heart about the settlement of our differences with brother Jonathan. There is no longer immediately at the stock exchange, but it also exercises a certain degree of influence on other channels of business.

We have before had occasion to notice the unexpected pressure which has prevailed in our money market since the payment of the October dividends. As the pressure appears to have been chiefly derived from a heavy drain for bank notes and gold, which were carried off from London by many of the country banks which were subject to a run, or expect a run upon them, in consequence of the late failures of some of their class and whilst our market was in a state of exhaustion from the same cause, it was further depressed by the necessity for repaying the Bank of England, on or before this day, the whole amount of the loans advanced by her as usual at the end of the quarter. In fact the currency appeared to be inadequate to meet the necessities of commerce.—This coming to the knowledge of the bank directors, it appears they have taken the proper steps to relieve immediate pressure, so that affairs will be restored to a healthy state again shortly, as the cause of depression have also ceased to operate.

The new French loan maintains its premium of 2 to 2½ per cent. The minister has resolved to propose the formation of many new lines of rail road in France; particularly one from Paris to Lyons, and from Lyons to Marseilles.

The import duty on foreign corn is now raised to 22s. 8d. per quarter, which will act as a prohibition

for some time to come; but the speculators promise to reduce it again in the spring.

Stocks are firm: consols money 87½ to 88, and for the account 88½ to 88½; 3 per cents 97½ to 97½; exchequer bills 10s. to 12s.

Two o'clock. Consols have improved to 87½ to 88 for money, and 88½ to 88½ for account; exch. 3 per cents. 97½ to 97½; and exchequer bills, 10s. to 12s. *Cite, 12 o'clock, October 22.* We do not find the same pressure for money as was felt during the time for the repayment of loans at the bank; but nevertheless cash is still very scarce, and where parties are compelled to find it, they are obliged to pay very full rates of interest. Many persons are applying to the Bank of England for discounts, but experience difficulty in obtaining them out of doors, unless they will pay extravagant rates. It is not supposed this unpleasant state of affairs will continue for many days longer, but this must depend in some measure upon the demands from the country bankers; if they should begin to return to us the extra services which they have lately taken off, we should soon come into a wholesome state again in London.

Notwithstanding this pinch, there seems to be a favorable opinion entertained by the public regarding the value of English funds, which are quite firm, and might probably advance rapidly if the trial of McLeod and Favorable.

The quotations are: Consols for money 87½ to 88, and for the account 88½ to 88½; 3 per cents. 97½ to 97½; exchequer bills 10s. to 12s.

Two o'clock. Consols have received 1 per cent. since the opening; they are now worth 87½ to 88 for money and 88½ to 88½ for account; new 3 per cents. 97½ to 97½; and exchequer bills 10s. to 12s. premium.

CORN MARKET. The average of the prices of wheat for the week ending Oct. 8, was 61s. 6d., and of the six weeks 60s. 4d. The duty on foreign wheat was 20s. 8d. Oats 13s. 9d. and rye 11s. 6d.

THE CROPS. The season continues to be wet beyond all precedent, an interval of twenty-four hours without rain being a rarity. Although all the corn crops are gathered in the lower parts of this county, there is still a considerable quantity of oats and some wheat out in the hilly districts, much of which will never ripen, whilst that which does will only be fit for feeding cattle and pigs. The potato crop is suffering severely from the continued wet, thousands of acres being quite rotten, or so soft and watery that they will not keep through the winter. No one can wonder at this who is acquainted with the wretched drainage which generally exists in Lancashire and Cheshire, and who remembers that we have hardly had a week of dry weather since June.

The only thing that seems to flourish under this incessant fall of rain is the aftergrass, which is more abundant this year than it has been at any time for many years preceding.

COTTON MARKET. *Liverpool, Oct. 6th.* The market is less buoyant to-day, the sales amounting to 4,000 bales.

Oct. 8th. During the first day or two of the present week the market was firm, with a tendency to advance, in consequence of the state of the Manchester market on Tuesday we may consider that on the whole business of the week no improvement has taken place. A public sale to-day of Sea Islands, Stained ditto, and Surats was fairly attended; the Sea Islands for the most part sold readily at the previous prices, Stained and Surats also well, and the Surats also met a fair demand, supporting previous rates. The sales to-day amount to 5,000 bales, and the sales for the week 27,000; 4,000 being American on speculation, and 300 American and 600 Surats for export.

Oct. 19. The quantity sold to-day is estimated at from 2,000 to 3,000 bales, a few hundred (some say 500) of them on speculators' account. Prices without change from yesterday.

Oct. 20. Although the excitement (consequent upon the supposed critical state of our relations with America) has for the present subsided, yet the demand for cotton is very general and good. The trade are willing buyers at late prices, but on the whole decline giving the advance of 4d. quoted on Monday.—Henceforward the market will be more quiet, and 5,000 bales have been sold, principally consisting of American descriptions, a few hundred to speculators.

Oct. 21. Our market is rather quieter to-day, and the amount of business is not estimated at more than 3,500 to 4,000 bales without any change in prices.—Speculators have been in the market to-day, and have carried to the extent of 1,000 bales. The accounts from the States are such that it will only be an average one will tend to keep the market steady at present prices.

Liverpool Cotton Market, Oct. 22. The whole import of cotton into Liverpool Oct. 22.

1,023,316 bales.
Against same time 1840, 1,291,915

Leaving a decrease of 268,599
The imports of American this year, 759,501 bales.
Against same time 1840, 1,111,283

Leaving a decrease of 351,779
The stock on hand, of all descriptions, on the 22d Oct. 1841, 507,080 bales.
Do. same time, 1840, 470,000

Increase, 37,080
The stock on hand of American, on the 22d October, 1841, 357,210 bales.
Do. same time, 1840, 395,150

Decrease, 37,940
There has been taken, to 22d October,

Bales. Bales.
By the trade 840,910 Same time in 1840 976,840
Speculators 170,760 193,400
For export 38,890 51,330

1,050,560 1,221,570
Being a decrease of all descriptions of 172,010 bales.

The sales of the week, ending 22d Oct. 1841, were

Sea Island	200 bales	13a21
Upland	7,850	5a67
Mobile, Alabama &c	3,600	5s347
Tennessee		4s457
New Orleans	10,700	5a77
Surat	2,200	3s357
Other descriptions	1,690	
		26,340

The current prices have been of American. Sea Island to middling 12½d; fair to good fair 14½d; good fine 17a30. Stained do, ordinary to middling 5½d; fair to good fair 7a77; good to fine 8a10. Upland, ordinary to middling 5½d; fair to good fair 6a67; good to fine 7a77. Mobile, ordinary to middling 5½d; fair to good fair 6a67; good to fine 7a77. Alabama and Tennessee, ordinary to middling 4a57; fair to good fair 5a. New Orleans, ordinary to middling 5a57; fair to good fair 6a37; good to fine 7a87.

By the above tables it will be perceived that the consumption of American cotton for this year has been by

Against in 1840, 432,314 bales, 716,133

Decrease, 283,819

Or about 40 per cent.; while of other descriptions the consumption this year is

Against in 1840, 83,942 105,782

Decrease, 21,840

Or about 20 per cent. Thus proving that these cottons are materially affecting the sale of ours in the English market.

Had prices been higher during the year, the difference would have been greater, as manufacturers have been induced by low rates to use better descriptions than they otherwise would have done. *Liverpool, 20th October, 1841.* After our advices of the 4th inst. there continued to be a steady demand for cotton, without alteration in prices.

The accounts from Manchester, during the same time, reporting a fair business in yarns at low rates, but only a limited demand for goods, and some anxiety as to the result of the political questions pending between this country and the United States, together with the intelligence from New York of the 28th ult. caused a speculative demand, and the withdrawal of some lots from the market.

The sales of the last three days have been 14,000 bales, at the average of 1 per bale, in common American, 3,500 being taken on speculation. The advices by the Caledonia have, however, quoted the market, and the sales to-day are 4,000 bales, and not quite at steady rates.

October 22d, 1841. Nothing of interest has occurred in the market during the last two days. The sales of cotton for the week ending to-day are 36,240 bales, of which 5,700 are on speculation, and the market closes quiet but steady; prices of common American being rather higher than the previous week's quotations.

FRANCE.

The Louis Philippe, from New York, arrived at Havre Oct. 13, carrying out the latest intelligence from the United States.

The Nations agree that the war between Great Britain and the United States is inevitable. It is reported that the probability of some sudden circumstances will arise before the war to explode. No one can tell what consequences may result from such

a war—it may set the world on fire; but at all events France will of necessity be compelled to take part in it. What then is to be thought of our ministry, who, in the presence of such events and the danger of a maritime war, is disarming our fleet and disbanding our seamen?

The new fall of the funds which took place on the Paris Bourse, on Wednesday, was ascribed, as we stated yesterday, to the anxiety and alarm suggested by the hostile aspect of Great Britain and America. The *National* of Thursday denies, however, that that was the sole cause, and attributes it to the reports propagated on the Bourse, that in an *enquete* which took place at Madrid, the hotel of the French embassy was attacked and partly plundered, and that the papers seized and carried away from it implicated the ex-queen regent and the French government in the insurrection.

The French loan of 150,000,000 francs was taken on the 18th. There was but one offer, but by three parties, viz. the Rothschild, Hottinguer, and the receiver general by M. Baudouin. The offer was at 75 5/2; for 3 per cents. It was lower than was anticipated, but the offer was accepted. The funds rose considerably after the arrangement was known. The 3 per cents, closed on the same day at 79 60, and the new 5 per cent at 50 75, 4 per cents, 85 50, and 5 per cents 115.

The payments of the loan are to be made at the following periods: On the 28th instant, 7,500,000 francs; November 28, 7,500,000 francs; Jan. 7, 1842, 11,250,000 francs; March 7, 11,250,000 francs; April 7, 11,250,000 francs; May 7, 11,250,000 francs; June 7, 15,000,000 francs; July 7, 15,000,000 francs; August 7, 15,000,000 francs; September 7, 15,000,000 francs; October 7, 15,000,000 francs. Total, 150,000,000 francs. The loan bears interest, from the 22d of June last.

BOCKLE. *Paris, Thursday, Oct. 21.* Half past three. There has been but little business done, and it is not improbable that the market will remain in a somewhat inactive state until further accounts are received from America. For the account the three per cent, opened at 79f. 10c. advanced to 79f. 15c. and closed at 79f. 3c. a fall of 15 cents. The five per cent, opened at 114f. 75c. and last, 114f. 75c. an improvement of 15c. New York reports, of the 10th, to 80f. 35c. and closed at 80f. 25c. being a fall of 10 cents. For money, the three per cent, are 25c. the five per cents, 5 cents lower, and new loan, which for money has been extremely limited, unaltered.

SPAIN.

There has been a horrible riot at Madrid, and an attack on the palace. A letter in the *London Times* of October 23d says: "You may regard the insurrection in Spain as at an end. The principal chiefs of it are either arrested or have taken refuge in France. Among the former is M. Montes de Oca."

The regents which had taken part in the revolt have submitted to the Regent, and have taken anew the oath of fidelity to the present government—of these the Regent de Bourbon is the most important.

"The entire population of the country through which the army of Rodil passed submitted."

"I wrote you to day that by arrivals of the 17th inst. from Barcelona, the revolutionary movement in that city continued to be repugnant to the government."

INSURRECTION. *Madrid, Oct. 10.* The part of the grand military conspiracy against the liberties of Spain, which was to have been executed in Madrid, has proved a signal failure. The result leaves one in doubt whether to admire most the baseness and wickedness of the attempt, or the cowardly and stupid way in which it was sought to be executed.

With half a dozen generals of the highest reputation in Spain, a thousand men at their command, and in complete possession of the avenues of the palace, up to the very doors leading to her majesty's apartments, they were not only not able to secure their prize, but have the greater part of them already fallen into the hands of justice.

The night before last two squadrons of cavalry, who were ordered to proceed, on the morning after the relief of the palace, in search of the leaders of the conspiracy, who were known to have taken the road of the castle, conveyed back General O'Donnell and the two Fulgencio's prisoners, whom they overtook near Colmenar Viejo, about five leagues from Madrid. They were immediately handed over to the custody of the National Guards, and remained in close confinement in the central guard room of that force in the convent of St. Thomas, in the street of San Juan.

General Leon was taken in the uniform of a general of Hussars, and carrying upon his person all his crosses and orders. In his possession was found an autograph letter of Maria Christina, giving him full powers to establish a provincial government till the 1st of April in the next year. The letter is besides said to have contained instructions for the securing of the young queen's person, the execution of Espartero,

Arguelles, the existing government, whoever they might be, and all the members of the late provisional regency who could be found.

The gallant general Don Diego Leon—the Murat of Spain, whose waving plumes so often floated by the side of Espartero, in the field of battle—was shot at Madrid on the 16th inst. for his insurrectionary attack on the palace on the night of the 7th inst. Be the blood of this brave but misguided man, who thus fell a victim to the intrigues of an infamous woman, visited upon the heads of Christina Munoz, and her co-conspirators in the French capital. At his death he confessed that Christina had charged Don Ramon Narvaez was said to have entered Andalusia the province of Huelva. Tanuith had broken out at Valladolid, and a revolutionary junta had been formed at Burgos. In the midst of these rumors, it is not extraordinary that government took precautionary measures against the dangerous ferment of the public mind. The military posts are everywhere, and the artillery has been ordered into Madrid from the neighboring garrisons.

The regiment of the Princess and the regiment of Majorca had already arrived. The regent dismissed several colonels of whom he was not quite sure, and more than fifty officers of the guards, among them Col. Puig. He also has dismissed. The latter is supposed by Velarde.

It was reported that as soon as government should have assembled a sufficient force, it intended to disarm the whole of the guards who had shown a hostile spirit towards the regent. The palace is to be in future guarded by the national guard.

The attention of government was not, however, without causing the appearance of danger from some important creditors touching the treasury. The stamp duty had been farmed to M. Salfout for more than seventeen millions of reals; the salt duty to M. Salamanca, for fifty millions ditto, payable in four months. The five per cents were, on the 7th, at 29 for cash.

At eight o'clock in the evening of the same day Madrid was in the greatest agitation. The drum beat to arms in all quarters. It was soon ascertained that the royal guards at the palace had made a demonstration in favor of Queen Christina. The shops and cafes closed. The night was stormy and dark, and some houses in the neighborhood of the palace illuminated their windows; this example was followed, and the night was heard; it was prolonged, and then total silence prevailed.

At one o'clock in the morning, Generals Diez, Leon and Concha, seeing that their efforts to bring over the troops were unavailing, and that the game was lost, sallied out of the town at the head of forty horsemen, and fled towards the provinces, where they intended to have carried the young queen.

At the same time, the numerous arrests took place on the 8th. The only personage of importance among the prisoners, is Brigadier Nobzageray. He was taken with arms in his hands. The police is seeking for several generals compromised in the movement, especially Diego Leon, Concha, Aspriz, &c. &c. Some reports are to be relied on, that the chief efforts to penetrate into the queen's apartments were vain. The combat lasted more than an hour. It was warm work. Both parties left many of their men on the floor of the palace. The halberdiers having been speedily reinforced, repulsed the insurgents in every point.

The troops sent the night of the night, from the 7th to the 8th, under arms. The duke of Vittoria gave the example of vigilance. We have just learned the events of the night. A battalion of the regiment of the princess, and a detachment of guards on the palace, obeyed the instructions of the generals, Diego Leon and Concha, who made them proclaim the regency of Queen Christina. The conspirators, whose intention it was to carry off the queen and the infant, did not expect that the halberdiers would make the heroic resistance they did. The efforts to penetrate into the queen's apartments were vain. The combat lasted more than an hour. It was warm work. Both parties left many of their men on the floor of the palace. The halberdiers having been speedily reinforced, repulsed the insurgents in every point.

A battalion of the regiment of Luchana is in guard of the palace of Buen Vista occupied by the regent. Most of the editors and writers of the newspapers, having been under arms the whole of the night, the *Gazette* of Madrid alone appeared on the morning of the 8th.

EAST INDIES.

The New York American says the accounts are a week later than those received here by the Narragansett and Huntress. They were brought by the ship *Cat Huntley*, which reached Bombay just as the steamer was leaving with the mail for Suez. Papers of the 26th June, and letters of the 27th and 28th, are the latest received. It does not appear that the British have made any important gains on either side, though the Chinese were actively repairing the defenses of the river.

At Canton all was quiet, the Tartar troops not having returned there; but no business could be done, the Hong merchants refusing to buy imports, and the few thousand tons of tea had been made into Whampoa, and those were chiefly great teas for this market. A few English Americans were at Canton, but were leaving daily.

The settlement at Hong Kong seems to be going on vigorously.

The London Press of the 26th has the following paragraphs, which are not without interest:

We have nothing but conjecture to offer on the probable destination of the force which, it is said, will move to the northward in the latter days of next week. Amoy is generally reported to be the next place of rendezvous. The occupation of that town and island cannot fail to be a sensible blow to the imperial government, and may possibly be followed by consequences of the most serious nature in the disorganization of the country; nor should we at all wonder soon after to hear of a revolution in that province at least, the inhabitants of which have always had, and are now, said to have a reputation for disorder and turbulence. Indeed, the Fokien people have but a slight affection for the Tartar dynasty, having been the last to submit to its sway. The Fokien people are above the Chinese of other provinces distinguished for a spirit of liberty and commercial enterprise; and the frequent insurrections in their country, which they do not tamely submit to the tyranny of their government.

The Chinese were, in violation of all their treaties, manning and arming their batteries, collecting troops and making every exertion to prepare themselves for the most vigorous and protracted resistance.

The arrival of Sir Henry Pottinger was anxiously looked for. We submit an outline of his instructions from government:

His excellency is to demand 15 millions of dollars, as an indemnity for the opium seized by Lin, the expenses of the Hong Kong debts. He is to demand immediate payment of a portion of the above sum, equal to the estimated value of the opium, is to be required; the remainder to be paid by instalments within five years, and to bear interest in the meantime at the rate of five per cent. per annum. Sir Henry has further been directed not to negotiate with any man who does not hold plenary powers from his sovereign. He is also to insist on a British envoy being allowed to reside at Peking, and hold direct communication with the emperor. All the principal ports to be thrown open to foreign trade, and at each of them ground sufficient in extent for the erection of factories, to be ceded to the English. The Hong Kong is to be retained by the British as a permanent settlement.

Macao, July 20. Her majesty's ship Nimrod carries 50,000,000 dollars to Calcutta as part of the ransom of Canton.

A very angry edict had been received from the emperor, forbidding British trade and ordering the Tartar troops back to Canton. No movement to the northward on our part was expected, until the arrival of the reinforcements from India.

Nussier Khan, the master-spirit of the opposition manifested against the English in Upper Sindh, had succumbed to fatigue and sickness, and his sickness prevailed extensively among the British troops, and it was reported that the army was to be broken up and return to India. The annual outlay of three millions sterling, consequent upon the invasion of Afghanistan, is said to have put the directors of the company in a fury.

THE PESHAWAR. It is said that the Peshawar, won by Runjeet Singh from the Afghans, and stored to Shah Soojah, and that the latter has been gently compelled to make it over to the British in part payment of the twelve millions expended by them in placing him on the throne of Dost Mahomed.

It is reported, moreover, that Lord Auckland has recognized Shere Singh as the rightful sovereign of

the Punjab, and that a British force is to be maintained in his dominions—of course at his expense.

The intelligence from China, of the capture and subsequent release of Canton, reached London on the 7th of October.

NATIONAL AFFAIRS.

PRESIDENT TYLER returned to the seat of government on Thursday last from a visit to his residence in Virginia.

THE SECRETARY OF THE TREASURY has returned to Washington, from his recent brief visit to Boston.

APPOINTMENTS BY THE PRESIDENT.

Andrew Palmer, to be deputy postmaster at Toledo, in the state of Ohio.

John L. Yantis, to be register at Lexington, Missouri.

William P. Durell, to be receiver at Chillicothe, Ohio.

William F. Sturgis, of Tallahassee, to be law agent in the territory of Florida.

General Daniel Parker has been appointed chief clerk of the war department. The Army and Navy Chronicle says: Gen. Parker held that station during the last war with England, and was afterwards appointed assistant and inspector general of the army, but upon the reduction of the army in 1821, he was left out, and has not since been in public life. To a thorough knowledge of the duties of the post, he adds business habits of the first order.

INDIAN ANNUITIES. We are pleased to see that the government has made a blow at that species of iniquity heretofore practised in paying Indian annuities. In time past, and especially under the late administration, the great body of the Indians were mere ciphers in these payments. The payments were made to a few of the chiefs or principal men, some of whom had shrewdness enough to keep it, or at least a portion of it, but in most cases it passed directly into the hands of the trader. In fact, in most cases the money never touched the Indian's palm but went directly into the custody of the trader. No one not fully acquainted with the Indian character, has any idea of the most absolute influence of these traders over the Indians. They exert in all manner of ways the chiefs and principal men,—always have them debt to a very large amount, and the payment of these annuities is nothing more than the settlement of the extortions of the trader. Whilst the chiefs or principal men's bills are, from time to time, thus liquidated by the government, a large portion of the tribe are left to starve or eke out a miserable existence by whatever chance may throw in their way. Whilst the chiefs, the principal men of the nation, and the traders, are revelling in plenty, and often growing enormously rich at the expense of the nation, the great body of the tribe are suffering for the most common and necessary comforts. These reflections have been induced by the following paragraph which we cut from the Green Bay Republican, of the 2d inst.

We learn that the payment to the Menomonee Indians will be made until Monday or Tuesday next. Some difficulty is expected to arise, as the postmaster has refused to take the money, which he says he will make any change in the mode of payment, which he heretofore has practised. His instructions are to divide the money equally among all entitled to receive. The chiefs and a few others, have heretofore received more than the others of the tribe. Should Mr. H. attempt to carry out his instructions, it is thought the Indians will take the money, and pay themselves. Mr. H. has no military force to protect him.

[St. Louis Repub.]

WESTERN ARMY. There is a very animated feeling going on in the west relative to the site to be selected for the new army. The commissioners at the last date were in session at the board here, we presume, was a mere matter of convenience. We suppose they will visit the other principal points also. But the people of St. Louis do not rely upon the presence of the board to secure her claims a consideration of her superior advantages for commercial and manufacturing.

In some of the writers of this letter is compelled to admit our superiority; and the only frontier St. Louis cannot reach as easily as Cincinnati or Louisville, is Lake Erie, about one-twentieth part of the frontier which is to be supplied. Well, if nineteen-twentieths will not outweigh one-twentieth, we are willing to give up, and say nothing of our route through Chicago and the lakes, by which we can speedily reach the whole lake border.

Our Illinois neighbors are making a struggle for the location of the army; and we confess that, if St. Louis is not the spot, we hope they may be successful. Yesterday, a committee from St. Clair, Madison, and several other counties came over and visited upon the board. The committee consisted of the hon. John Reynolds, col. John Thomas, J. L. D. Morrison, William Kinney, Augustus Hassel, Dr. Butler and Adam W. Snyder. It is a strong committee, and entirely capable of doing justice to the country they represent.

AMERICAN WHALE FISHERY. The following is condensed by the Philadelphia Inquirer from a valuable article prepared for the Nantucket Inquirer, showing the number of vessels, the place to which they belong, and the amount of oil on board, up to October 1st, 1841:

No. of Vessels.	No. of Brls. of Oil.	No. of Vessels.	No. of Brls. of Oil.
Nantucket, 22	1230	Warren, 22	7,850
New Bedford, 200	59,796	Newport, 11	4,280
Fairhaven, 47	21,265	London, 13	6,432
Falmouth, 6	7,420	Mystic, 6	4,300
Worcester, 12	5,334	New Bedford, 48	25,400
Holmes Hole, 4	2,380	Bridgeport, 3	1,300
Wilmington, 2	460	Son Harbor, 34	8,060
Westport, 11	1,682	Gold Spring, 2	unk'd
Sagadahoc, 9	2,100	Newark, 4	650
Martha's Vineyard, 10	1,200	Greenport, 6	105
Wardham, 6	730	Janesport, 1	unk'd
Provincetown, 9	2,730	Hudson, 5	3,773
Plymouth, 9	unk'd	Paughkeepsie, 5	650
Newburyport, 2	1,400	Newark, 3	30
Gloucester, 1	unk'd	Wilmington, 3	2,550
Boston, 5	175	Duxbury, 1	unk'd
Lynn, 2	1,450	Freetown, 1	unk'd
Quincy, 2	1,100	Quincy, 1	unk'd
Portsmouth, 1	1,400	Fall River, 1	unk'd
Somerset, 2	150	New York, 1	unk'd
Fall River, 6	3,040		
Providence, 7	1,700	Total, 636	214,302
Bristol, 9	1,510		

THE ARMY.

GENERAL ORDERS, No. 62.

Head quarters of the army, adj't general's office.

Washington, October 15, 1841.

The following order has been received from the department of war:

Department of war, October 14, 1841.

"In compliance with the provisions of an act of congress, approved September 9, 1841, the president directs the formation of a board of officers for the purpose of selecting a suitable site on the western waters for the establishment of a national armory."

The board will be composed as follows:

Brevet Brig. General W. K. Armstrong, president.

Surgeon General Thomas Lawson, 1 member.

Lt. Col. H. H. Lang, top engineers, 1 member.

William S. Henley, esq. secretary.

The board will assemble on or before the 1st of November next, at St. Louis, Mo. where they will receive their instructions.

JOHN C. SPENCER, secretary of war.

By command of Major General Scott:

W. W. S. BLISS, adj't gen'l.

GENERAL ORDERS, No. 65.

Head quarters of the army, adj't general's office.

Washington, October 27, 1841.

By direction of the president of the United States, a general court martial will convene at the city of New York on the 4th of November, 1841, or as soon thereafter as practicable, for the trial of Capt. John H. H. of the 4th regiment of infantry.

The court will be composed as follows:

Brevet Colonel J. B. Walbach, 1st artillery.

Colonel J. Bankhead, 2d artillery.

Colonel H. Stanton, assistant quarter master gen'l.

Major M. M. Perry, 3d artillery.

Major John Erving, 3d artillery.

Major J. E. Mackay, quarter master.

Captain G. S. Drane, 3d artillery.

Captain C. S. Drane, 2d artillery.

Captain S. Ringgold, 3d artillery.

Captain J. Dimick, 1st artillery.

Captain J. C. Hart, 3d artillery.

Captain W. C. De Hart, 3d art'ry advocate.

A greater number cannot be assembled without manifest injury to the service.

Should any of the above named members fail to attend on the day specified for the assembling of the court, it will nevertheless be organized and proceed to the trial, provided the number present be not less than nine.

By command of Major General Scott:

W. W. S. BLISS, adj't gen'l.

GENERAL ORDERS, No. 66.

Head quarters of the army, adj't general's office.

Washington, October 28, 1841.

"The following instructions have been received through the secretary of war, from the president, and are published for the guidance of all concerned."

"Major General Scott, Colonel Totten of the engineers, and Lieutenant Colonel Talcott, of the ordnance, will compose a board to inquire into and report upon the propriety of establishing some safe depot for the preservation of the whole force of the United States, where it will not be exposed to the ordinary accidents of a neighborhood, and where no injury could be sustained by other buildings or persons in case of explosion."

"The board will examine Constitution Island, in the Hudson river near West Point, and such other positions as may be deemed expedient, and give an opinion which should be preferred. A statement of the quantity of powder to be stored and an estimate of the expense of establishing and maintaining the depot will accompany the report."

"The board will assemble on the 8th of November at West Point, N. Y. and Capt. Schriver is detailed to record its proceedings."

By command of Major General Scott:

W. W. S. BLISS, adj't gen'l.

GENERAL ORDERS, No. 67.

Head quarters of the army, adj't general's office.

Washington, Oct. 30, 1841.

On the arrival within the 3d military department, of the 6 companies of the 23d regiment of dragoons ordered for the present by general orders No. 58, containing the names of the companies, and of the companies G. I. and D. now at Fort Gibson, will be put in motion for Fort Leavenworth the head quarters, of its regiment.

By command of Major General Scott:

W. W. S. BLISS, adj't gen'l.

GENERAL ORDERS, No. 69.

Head quarters of the army, adj't general's office.

Washington, November 4, 1841.

The following instructions have been received from the department of war, and are published for the guidance of all concerned:

"The president of the United States directs that the military force at any post or station in the Indian country, or its vicinity, shall be employed by the commandant of such post in the apprehension of every person who is guilty of an offence in the Indian country in violation of any of the provisions of the 'act to regulate trade and intercourse with Indian tribes, and preserve peace on the frontiers,' approved June 30, 1834; and in the conveyance of such person to the civil authority, as provided in the 23d section of the said act; and also, in the examination and seizure of stolen goods, packages and boats, as provided in the 20th section of the said act; and the preventing the introduction of persons and property into the Indian country contrary to law. The provisions of the act are so full and explicit that no other regulations are deemed necessary."

J. C. SPENCER.

Department of war, November 2, 1841.

By command of Major General Scott:

L. THOMAS, Assistant Adj't Gen'l.

LATEST FROM FLORIDA. The Savannah papers of the 6th inst., contain the following cheering intelligence:

East Florida, November 2, 1841.

The Tampa mail gives us cheering hope that every thing on that side of the territory in regard to the coming in of the Indians is favorable to the speedy termination of the war, without the necessity of firing another gun. On the 25th ultimo, the chief of the Tallahassee arrived at Tampa Bay with twenty-eight of his people. On the same day arrived there the United States schooner *Fleet*, from Colosatchie, with a chief of one of the bands of the everglades, and thirty-two of his people.

A sub-chief, with eight of his people, belonging to the southern Indians, are at Fort Meigs.

Report gives a gratifying intelligence that the league of the chiefs in the everglades is broken up; Sam Jones and the Prophet having quarrelled; that Sam is left with only twenty-seven warriors, and has gone out to the everglades to the Lochi-lalache, where Halleck Tus-tu-mug-gee is with a small band. Two of the principal chiefs in the everglades are willing to make peace with the people, and will do so in a short time without doubt.

Lieut. Sprague, adjutant 8th infantry, in charge of Tiger-Tail and Alghior, arrived yesterday at Fort King, on their way hunting for the Indians that are out in that neighborhood. They are expected at Palatka in a day or two, to pursue their hunt up to St. John's, and around the mouth of the Ochlocknee. On the 19th ult., the chief of the Florida tribe, Fionta-Rossas, that swept over the camp and stores—destroyed every thing. The men and of-

feers escaped only with the clothes they had on; but one life lost. The steamer Isis was driven up into the middle of the camp, and now lies high and dry; nothing injured, and will soon be got off without damage.

FLORIDA RECRUITS. The ship *Nicholas Biddle* has arrived at St. Augustine, from New York, with 110 recruits for the 2d infantry, on service in Florida.—They are under command of Capt. Julius Kingsbury.

MILITARY ACADEMY. List of cadets appointed and admitted into the military academy, 1841.

—Maine, 3.—Thos. Montgomery, Albert Rowe, John L. Davis.

—New Hampshire, 2.—Solon Thornton, Benjamin P. McNeil.

—Massachusetts, 7.—William H. Wood, Marcus A. Moore, Edmund G. Allington, Charles F. Stone, Nelson H. Davis, John C. Dodge, Jr., Benjamin F. Hawkes.

—Connecticut, 4.—Lewis D. Welch, Henry Remington, Frederic Myers, George A. Bissell.

—Vermont, 2.—Wm. P. Smith, Edward C. Boynton.

—New York, 13.—Delaney F. Jones, Del Van Denberg, Hayes, Clement Best, George Edwards, Jos. M. Trowbridge, Orren Chapman, William S. Haskell, Francis Collins, Gordon Granger, Matthew R. Stevenson, James H. Brady, David A. Russell, Edward B. Hunt.

—Rhode Island, 5.—William W. Fark, William H. Swift, Joseph Douglas, Joseph F. Ferry, Geo. W. Morgan, Clement S. Fayssou, Wm. Forry, John A. J. Lewis, Robert C. Wallen, John P. Linderman, Christian Dealinger, Thomas F. Castor, Richard H. Rush, Patrick A. Farrelly, William N. Barker.

—Maryland, 4.—William H. Johnson, Cumberland D. Hollins, William A. Dashiell, Walter A. Jenifer.

—Virginia, 13.—George Pendleton, Lewis C. May, Richard C. W. Radford, William H. Tyler, James N. Davies, James R. May, William T. Allen, Rie'd Crump, Wm. N. Blow, Hamilton L. Shields, Henry C. Logan, James McConaghy, James C. Smith.

—North Carolina, 7.—Samuel A. Young, George P. Andrews, James M. Smith, Thos. C. Davis, Samuel M. Weathers, Preston Bynum, Franklin Faison.

—South Carolina, 6.—James M. Galbraith, Joseph J. Brown, Daniel H. Gailard, Proctor W. Sereven, Samuel L. Rook, Thomas G. Rhett.

—Georgia, 7.—James Camack, Jr., Henry Coopee, Joel A. Alexander, A. Alexander, A. Alexander, James N. Ward, Edwin Salisbury, Anthony D. Hill.

—Alabama, 2.—George M. Wharton, Martin Cummings.

—Louisiana, 2.—Louis Hebert, Thomas C. Moore.

—Kentucky, 3.—Thomas J. Wood, N. W. Brown, John T. Fickitt, James H. Haws.

—Tennessee, 2.—Jacob R. Groves, Wm. Rhea, John B. Cobb, Jas. C. Gentry, P. T. Turley, John Adams, Samuel H. Chester, James T. Armstrong.

—Ohio, 9.—B. W. Armstrong, James H. Suelling, William H. Stokes, Alexander P. Browne, Charles L. Weller, Philip N. Luckett, Alexander Rietlie, Henry M. Fennell, James Farrall, Harrison.

—Indiana, 3.—Newton C. Givens, Wm. H. Smith, Thomas G. Fitcher.

—Illinois, 2.—Wm. B. Reynolds, Newton R. Casey.

—Arkansas, 1.—William Fort.

—Florida, 1.—Edmund K. Smith.

—District of Columbia, 3.—Thompson F. Mason, (since dead), J. R. Foinsett Mechin, Lafayette Caldwell.

At large, 10.—R. Murray Morris, Henry B. Clitz, Francis S. K. Russell, Alexander P. Rodgers, Henry H. Green, William H. C. Whiting, John W. Davidson, Fitz John Porter, Washington L. Elliott, Bernard E. Bee. *(Army and Navy Chron.)*

The last accounts from Florida state that the following six companies of the 2d U. S. Dragoons, have received orders to proceed immediately to Baton Rouge, La., via Mount Vernon Arsenal, Alabama, viz:

Company E, commanded by Capt. May.

Company A, " Capt. Blake.

Company G, " Lieut. Merrill.

Company D, " Lieut. Torrey.

Company I, " Capt. Beall.

Company F, " Lt. Thornton.

The companies to rendezvous at Mount Vernon Arsenal—ultimate destination, Fort Jessup and Townson, some 400 miles up the Red river. Col. Harney to command the four companies remaining in Florida.

THE NAVY.

THE NAVAL SCHOOL. One hundred and twenty-five boys of the naval school of Brooklyn, with the proper officers and the band of the North Carolina, visited the fair of the American institute in New

York a few days ago. Gen. TALLMAGE, president of the institute, made them a short speech which concluded thus:

"Take as your example the great men of your profession, men who from positions as humble as yours you now fill, have raised themselves to eminence and fill the world with the glory of their acts.

The path of promotion is open before you. Remember ever that—

"Honor and shame from no condition rise,
"Act well your part, there all the honors lie."

Obedience, implicit and unquestioned, should be your first rule. He who would learn to command must first learn to obey.

By obeying your officers you will best be enabled to fly your flag. That flag which your country looks to you to protect, when you have become older, and have learned to bear it to glory and to triumph.

That flag which your country expects you to hold aloft in its steady march upon the mountain wave—it lies in your hands.

When you have looked through the fair you will arrange yourselves here again, and return under charge of your officers.

The American institute wishes you all health and happiness, and is glad to see such a hearty set of youngsters among its visitors.

The boys replied by three hearty cheers, which were joined to by the other visitors present. The Courier says: "It was gratifying to see the spirit and life with which the lads went through the various rooms, and the order and discipline which were observable in all their movements, showing the perfection of this system of education." For ourselves we have so high an opinion of this *naval apprenticeship* institution, and feel such interest in its success, that we take pleasure in alluding to the young tars whenever occasion offers.

The United States ship *Potomac* and schooner *Enterprise* remained at Rio de Janeiro, September 20.

STATES OF THE UNION.

NEW YORK.

LEGISLATURE. We give below, a complete list of the members of the next legislature, (except the member from Rockland), arranged according to their political character. Senators marked with an asterisk (*) were elected this year; members of the assembly designated in the same manner, were members of the last house, and have been re-elected.

Van Buren.		Fourth district.	
John B. Scott		Edmund Varney*	1
Isaac L. Varian*	2	Fifth district.	
Second district.		Joseph Clark	
Daniel Johnson		Samuel Ely	
John Hunter		Henry A. Foster	
Robert Deniston		William Ruger*	4
Abraham Boeck*	4	Sixth district.	
Third district.		James Faulkner*	
Alonzo C. Paige		Seventh district.	
Henry W. Strong		Lyman Sherwood*	
Erastus Corning*	3	William Bartlett*	
Cattaraugus.		Whig.	
First district.		Andrew B. Dickinson	
Gabriel Furman		Nehemiah Plank	
Morris Franklin*	2	Scratch district.	
Robert C. Nicholas		Robert C. Nicholas	
Erastus Root		Elijah Rhoades	
Fourth district.		Henry Hawkins	
Bethuel Peck		Abram Dixon	
James G. Hopkins		Samuel Works	
John W. Taylor		Gideon Hard*	
Sixth district.		Whig.	
Alvah Hunt		Adam Strong	3

HOUSE OF ASSEMBLY.

Van Buren.		Whig.	
John A. Dix		Adam Strong	3
Corelius G. Palmer		Lemuel Weston	
Jonas Shear	3	Columbia.	
Cayuga.		A. J. Van Alstyne	
Alvares Tupper		Jared Winslow	
Veney Vincent		James Knickerbocker	3
John L. Cuyler	3	Delaware.	
Cattaraugus.		Orin Griffin	
Samuel Barrows		Samuel Ellis	2
Lewis P. Thorp	2	Dutchess.	
Chemung.		John M. Ketcham	
Sam'l T. Hathaway, Jr.	1	P. C. Van Wyck	
Chemung.		R. C. Dubois	3
Samuel W. Julland		Fulton & Hamilton.	
Clark Burnham		John Patterson	1

Green.		Potomac.	
A. T. Van Slyck		Ebenezer Foster	1
John Laraway	2	Queens.	
Herkimer.		John W. Lawrence	1
Arphaxad Leonis*		Richmond.	
Michael Hoffman*	2	Henry Cole	1
Jefferson.		Rockland.	
Elhu M. Church			1
Edbert G. Church		Russell.	
John W. Lynde	3	George R. Davis	
Kings.		Martines Lansing	
William M. Udell	2	Silas W. Waite	
Lewis.		St. Lawrence.	
Carlos F. Scotland		George Redington	
Calvin Morse		Calvin T. Hubbard	2
S. C. Hitebeck		Saratoga.	
Job Wells	3	John Cramer	
Montgomery.		Halsey Rogers	2
Lawrence Marcillis	1	Schenectady.	
New York.		Jonathan C. Burham	1
Auguste Davezac		George Wright	
Daniel C. Peutz		William Fink	2
Paul Groul*		Seneca	
Conard Swackhamer*		Wm. C. Kelly	1
S. J. Jones Townsend*		Steuben.	
George W. Erwin		Ziba A. Lebard	
William L. O'Sullivan*		Francis E. Wier	
John M. Murray*		Aaron W. Beach	3
William B. Macley*		Suffolk.	
David R. F. Jones*	10	Benj. P. Wells	
Ontario.		Richard A. Udell	2
Ebenezer Robbins		Matthew Brown	1
De Witt C. Stevens		John McQuigg	1
Ichabod C. Baker		Tompkins.	
Orlando Seymour		Charles Humphrey	
Oneida.		Bernardus Swartwout	2
David Munro*		Wm. Taylor	
Wm. Taylor		Wm. Fulmer*	
John Spencer	4	Jeremiah Russell	
Orange.		Abraham Jansen	
Robert Lawson		Warren.	
Stacy Beakes		Benj. P. Burhans	
Russell Mead	3	Wayne.	
Saratoga.		Theron R. Strong	
Sanford E. Church		James M. Wilson	2
Onecege.		Westchester.	
Robert C. Keonoy		Horatio Lockwood*	
Peter Devendorf	2	Joseph T. Carpenter*	
Otsego.		Fates.	
Levi S. Church*		Henry Spence	1
Leonard Caryl	95		
Festus Hyde	3		
Allegany.		Whig.	
Lorenzo Dana*		Monroe.	
Horace Hunt	2	Frederick Star	
Broome.		H. K. Higgins	
Robert Harper		George Stone	3
Emory F. Warren		Montgomery.	
Rosier P. Johnson		James Devendorf	1
Austin Pierce	3	New York.	
Cortland.		John Tucker	
Oren Stinson		Wm. Jones	
Jesse Ives	12	Nath'l G. Bradford	3
Squire S. Case.		Niagara.	
Wm. A. Bird		Thomas C. Flagler	
Bela H. Colegrove	3	Francis O. Pratt	2
Ess. x.		Otsego.	
Geo. A. Simmons*		Peter M. Dox	
Franklin.		Staten Green	
T. B. Powell	1	Joseph C. Shelton	3
Greene.		Washington.	
Albert Smith		David S. Wright	
Robertinson Smiley	2	James McKie, Jr.	2
Livingston.		Wm. Jones	
Chester Bradley		John W. Brownson*	
Gardner Arnold	2	Eleazer Baldwin	2
VOTES OF THE CITY FOR A SERIES OF YEARS.			33

Van Buren.		Whig.	
*November, 1836,	17,417		16,348
April, 1837,	(13,712)		(4,434)
*November, 1837,	16,049		15,913
April, 1838,	19,200		19,723
*November, 1838,	19,381		20,203
April, 1839,	21,145		20,086
*November, 1839,	20,016		18,057
April, 1840,	21,241		19,624
*November, 1841,	21,936		20,558
April, 1841,	18,602		18,306
The votes of April in each year are for mayor.			
*Votes for president	† Do. for governor.	‡ Do. for	

*Sons of officers of the army. †Sons of officers of the navy.

COMPLETION OF THE GREAT CHAIN OF RAIL ROAD FROM ROCHESTER TO ALBANY. The last link is at length finished; and this day witnesses the passage of cars over the whole line of the Auburn and Rochester road. This is indeed a great object accomplished.

NEW YORK. The Great Western rail road between Albany and Boston, the New Englanders who, twenty years ago, thought this region almost the farthest boundary of civilization, will be brought into close intimacy with the people of the celebrated "Genesee country." The route to and from New York, via Boston, will be nothing uncommon in winter and the Tremont house will soon reap a share of the harvest which western travellers afford to the landlords of the New York hotels.

The intercourse between New England and western New York, by rail road, through the winter, will prove mutually advantageous to the people of both regions; and we congratulate them all upon the prospect of a speedy and cheering fruition of the commercial benefits which cannot fail to flow from the completion of the long line of rail road which connects Rochester and Boston; a line which, completed toward now, as far as Batavia, will next year be finished to Buffalo, thus connecting with iron bonds the frontiers of Niagara with the seagirt shores of New England.

[Rochester Evening Post.]

NEW JERSEY.

MEMBERS OF THE LEGISLATURE.

Bergen.—Council—John Cassedy. Assembly—J. C. Zabriske, James J. Denarest.
Hudson.—Council—John S. Candlish. Assembly—Abraham L. Van Bockerken.
Passaic.—Council—Silas E. Canfield. Assembly—George M. Ryerson, Garrett Van Dien, jr.
Essex.—Council—William Chetwood. Assembly—William B. Baldwin, James Cook, Stephen Congar, Benjamin F. Brookfield, James Smith, Alexander Wilson, David B. Linn.
Morris.—Council—James West. Assembly—James W. Drake, Thomas C. Willis, Samuel B. Halsey, William Stephens.
Sussex.—Council—Alexander Boyles. Assembly—David Hayward, Isaac Russell, Nathan Smith.
Warren.—Council—Henry H. Van Ness. Assembly—John Moore, George W. Smyth, Jacob H. Winter.
Middlesex.—Council—George T. McDowell. Assembly—John J. Jekon, Frazee Ayres, David Dunn, Jaron Gulick.
Somerset.—Council—Joseph W. Scott. Assembly—Daniel Cory, Henry H. Wilson, Arthur F. P. Sutphen.
Mercer.—Council—James White. Assembly—Isaac Baker, Isaac W. Lansing, John B. Mount.
Hunterdon.—Council—John Lilly. Assembly—Isaac R. Strobe, John B. Mattison, Jonathan Dawes, Leonard N. Flowerfeld.
Burlington.—Council—William Kirk. Assembly—John Emley, William Black, Isaac Stokes, Levi Berton, Thomas H. Richards.
Monmouth.—Council—James Patterson. Assembly—Thos. C. Throckmorton, John R. Conover, Joseph H. Brindley, Benjamin L. Irons, Samuel R. Olinp.
Gloucester.—Council—William H. Cooper. Assembly—Joseph Z. Pierson, Thomas H. W. Halsey, John B. Miller, Charles Knight.
Atlantic.—Council—Mallon D. Canfield. Assembly—Joseph S. Reid.
Cumberland.—Council—Ephraim D. Whittear. Assembly—William P. Seely, Benjamin F. Chee, Elmer Ogden.
Salem.—Council—Robert Newell. Assembly—John G. Battenger, William H. Nelson, Thomas Flanagan.
Cape May.—Council—Thomas P. Hughes. Assembly—Marner Berdey.

The names of those in italics are whigs.

*Reported contested by Samuel A. Van Sued.

EXTRA SESSION. A resolution for an adjourned session of the legislature of this state, passed the house of assembly on Thursday last, by a vote of 38 to 16, the Van Buren members with few exceptions voting in its favor.

PENNSYLVANIA.

LEGISLATURE, 1842.—SENATE.

Dist. 1. Philadelphia city—Henry S. Spackman,* Jacob Gratz.*
Dist. 2. Philadelphia county—Benjamin Crispin, Edward A. Pennington,* Thomas McCully.*
Dist. 3. Montgomery, Chester and Delaware—Nathaniel Brooke, Abraham Brower, John T. Huddleston.
Dist. 4. Berks—Samuel F. Smith.
Dist. 5. Berks—Samuel F. Smith.
Dist. 6. Lancaster and York—John Strohm, Thomas E. Cochran, William Hiestor.

Dist. 7. Dauphin and Lebanon—Levi Kline.*
Dist. 8. Huntingdon, Mifflin, Juniata, Perry and Union—Robert P. Macley, James Mathers.
Dist. 9. Columbia and Schuylkill—Samuel F. Hoadley.
Dist. 10. Lehigh and Northampton—James S. Gibbons.
Dist. 11. Luzerne, Monroe, Wayne and Pike—Luther Kidder.*
Dist. 12. Lycoming, Centre, Clinton and Northumberland—Robert P. Fleming.*
Dist. 13. Bradford and Susquehanna—Asa Dinwiddie.*
Dist. 14. Franklin, Cumberland and Adams—James X. McLanahan,* William Gargus.*
Dist. 15. Bedford and Somerset—George Mullin.*
Dist. 16. Westmoreland—John C. Plumer.
Dist. 17. Washington—John Ewing.
Dist. 18. Fayette and Greene—William F. Copley.
Dist. 19. Allegheny and Butler—Charles C. Sullivan, George Darsie.*
Dist. 20. Beaver and Mercer—William Stewart.*
Dist. 21. Crawford and Erie—J. W. Farrelly.*
Dist. 22. Jefferson, McKean, Potter, Tioga, Venango and Warren—Samuel Hays.
Dist. 23. Indiana, Armstrong, Clarion, Cambria and Clearfield—William Bigler.*

New members this [*]—Names in italics Van Buren.

RECAPITULATION.

	1841.	1840.
Dis.	W. Op.	W. F. B.
1 Philadelphia city	2 0 2 0	
2 Philadelphia county	0 3 0 3	
3 Montgomery, Chester and Delaware	3 0 3 0	
4 Berks	0 1 0 1	
5 Berks	0 1 0 1	
6 Lancaster and York	3 0 3 0	
7 Dauphin and Lebanon	1 0 1 0	
8 Huntingdon, Mifflin, Juniata and Union	2 0 2 0	
9 Columbia and Schuylkill	0 1 0 1	
10 Lehigh and Northampton	1 0 1 0	
11 Luzerne, Monroe, Wayne and Pike	0 1 0 1	
12 Lycoming, Centre, Clinton and Northumberland	0 1 0 1	
13 Bradford and Susquehanna	1 0 1 0	
14 Franklin, Cumberland and Adams	0 2 1 1	
15 Bedford and Somerset	1 0 1 0	
16 Westmoreland	0 1 0 1	
17 Washington	1 0 1 0	
18 Fayette and Greene	0 1 0 1	
19 Allegheny and Butler	2 0 2 0	
20 Beaver and Mercer	1 0 1 0	
21 Crawford and Erie	1 0 1 0	
22 Jefferson, McKean, Potter, Tioga, Venango and Warren	0 1 0 1	
23 Indiana, Armstrong, Clarion, Cambria and Clearfield	0 1 0 1	
	17 16 18 15	

HOUSE OF REPRESENTATIVES.

Adams.—Thaddeus Stevens,* George L. Fauss.*
Armstrong.—George W. Marveland.
Allegheny.—Isaac Lightner,* David Decker, William Karns, John Murray.
Berks.—Matthew T. Kennedy,* John Ferguson.*
Bedford.—Abraham Weisel, M. Halderbaum.
Berks.—Samuel Moore, John Selrenck, John Pottiger, John Bachman.
Bradford.—William Elwell.
Bucks.—John Apple, Abel M. Griffiths, Joseph Thomas.
Butler.—Samuel M. Lane.*
Centre.—James Macmannus.
Chester.—William K. Correy,* Robert Futley.*
Emmon.—Elliot, Robert Laverty.
Columbia.—Daniel Snyder.
Crawford.—Morrow B. Lowry, John P. Brawley.
Cumberland.—William Barr, Joseph Culver.
Dauphin.—Samuel H. Clark,* Benjamin Musser.*
Delaware.—John P. Eyre.*
Erie.—James D. Dunlap,* Steven C. Lee.*
Fayette.—Aaron Hughes, John H. Decker.
Franklin.—Andrew Saylor,* Peter Cook.
Greene.—Thomas P. Pollock.
Huntingdon.—Jesse Moore,* Thomas Weston.*
Indiana.—John Cummins.*
Jefferson.—McKean and Warren—Lewis B. Dunham.
Lancaster.—Christian Kiedler,* Joseph McClure.*
Philip Van Neida,* Jacob Foreman,* Hugh Andrews,* Benjamin Pennell.*
Lebanon.—John Bruner.*
Lehigh.—Benjamin Fogel, Peter Hans.
Luzerne.—Hendrick B. Wright, A. Cartright.
Lycoming, Clearfield and Clinton.—James Gamble, George B. Barrett.
Mercer.—James Banks,* James Montgomery.*

Mifflin, Juniata and Union.—John H. McCrum,* William Ross,* John A. Vanvalzch.*
Montgomery.—William Bean, William B. Hahn, Charles Kugler.
Northampton and Monroe.—Joseph Kerr, Jefferson K. Heckman, Asa Packer.
Northumberland.—David B. Montgomery.*
Perry.—George Beaver.
Philadelphia city.—William A. Crabb,* E. Joy Morris,* Wm. F. Boone,* James B. Beers,* John Rush,* George Sharswood,* C. B. Trego.*
Philadelphia county.—John Felton, John W. Ryan, William Benschel, John Painter, Joseph L. Hancock, John J. McCahan, A. L. Romford, Thomas M. Scott.
Schuylkill.—Christian M. Straub.
Somerset and Cambria.—John Hanna,* John Royer,* Susquehanna—Calvin Leet.
Tioga and Potter.—D. L. Sherwood.
Warren and Clarion.—James R. Snowden.
Washington.—Wallace McWilliams, James McFarren, Jesse Martin.
Wayne and Pike.—J. H. Broadhead.
Westmoreland.—Samuel Hill, William Johnson.
York.—James Garretson, Adam Ebaugh, William S. Picking.

The names with a * are whigs.

RECAPITULATION.

	1841.	1840.
Counties.	W. Op.	W. F. B.
Adams	2 0 2 0	
Armstrong	0 1 0 1	
Allegheny	1 3 0 3	
Beaver	2 0 2 0	
Bedford	0 2 2 0	
Berks	0 4 0 4	
Bradford	0 1 0 1	
Bucks	0 3 1 2	
Butler	0 1 0 1	
Centre	0 1 0 1	
Chester	0 4 0 4	
Columbia	0 1 0 1	
Crawford	0 2 0 2	
Cumberland	0 2 0 2	
Dauphin	2 0 2 0	
Delaware	1 0 1 0	
Erie	2 0 2 0	
Fayette	0 2 0 2	
Franklin	1 1 2 0	
Greene	0 1 0 1	
Huntington	2 0 2 0	
Indiana	1 0 1 0	
Jefferson, McKean and Warren	0 1 0 1	
Lancaster	6 0 6 0	
Lebanon	1 0 1 0	
Lehigh	0 2 0 2	
Luzerne	0 2 0 2	
Lycoming, Clearfield and Clinton	0 2 1 1	
Mercer	2 0 2 0	
Mifflin, Juniata and Union	3 0 3 0	
Montgomery	0 3 0 3	
Northampton and Monroe	0 3 0 3	
Northumberland	0 1 0 1	
Perry	0 1 0 1	
Philadelphia city	7 0 7 0	
Philadelphia county	0 8 0 8	
Schuylkill	0 1 0 1	
Somerset and Cambria	0 2 0 2	
Susquehanna	0 1 0 1	
Tioga and Potter	0 1 0 1	
Venango and Clarion	0 1 0 1	
Washington	0 3 3 0	
Wayne and Pike	0 1 0 1	
Westmoreland	0 2 0 2	
York	0 3 0 3	
	36 64 51 49	

APPOINTMENT. John B. Butler, has been appointed, by Gov. Porter, equal commissioner.

MARYLAND.

ELECTION STATISTICS. One of our friendly correspondents sends us the following table—which it will be observed is calculated upon the supposition that Mr. Thomas' majority was as at first announced in the newspapers 539 votes, instead of 639, as in fact it proved to be. Our correspondent we presume was not apprized of the error.

Again, his calculation is predicated upon the supposition that the same individuals voted, or had a right to vote, that voted at the presidential election. Now the fact is that a more considerable change occurs in this respect every year than those who have not attended to it minutely would imagine. This change occurs by removal in and out of the respective places—by persons becoming of age—by deaths—by naturalization &c. &c. We ascertained for a

community of 300 voters, not remarkable for change, that there was such a difference every year from these causes alone. In the city of Baltimore we have no doubt it would average nearly the same proportion.

To the voters of the State of Maryland.
Your respective editors placed before you the official statement of the two last important elections viz.

1840.		1841.	
Harrison,	33,533	Johnson,	28,430
Van Buren,	28,759	Thomas,	28,559
Total	62,292	Total	57,379
Harrison's maj.	4,774	Thomas maj.	539
RECAPITULATION.			
Harrison,	33,533	28,759	Van Buren,
Johnson,	28,430	28,559	Thomas,
Divide by 2	61,933	57,718	
Average vote	30,976	28,859	maj. 2,117

You perceive from these facts, that 30,976 is the standard average Harrison vote, and 28,859 is the average Van Buren vote; maj. 2,117.

Permit me to place before you the number of voters of the different cities and counties who stood at home or neglected to vote at the last election, 1841. Also the number who voted for Harrison, now Thomas.

	Less voted at home Harrison.	Less voted at home Thomas.	Van Buren.	Total Harrison now Thomas.
1 Allegany,	236	none	86	
2 Annapolis,	8	11	none	
3 Anne Arundel,	499	30	none	
5 Baltimore county,	537	392	none	
6 Calvert,	58	72	none	
7 Caroline,	85	none	14	
8 Cecil,	260	19	none	
9 Charles,	228	72	none	
10 Carroll,	110	none	8	
11 Dorchester,	239	23	none	
12 Frederick,	375	none	165	
13 Harford,	228	88	none	
14 Kent,	81	none	11	
15 Montgomery,	150	none	65	
16 Prince George's,	182	none	25	
17 Queen Anne's,	76	none	55	
18 Somerset,	382	46	none	
19 St. Mary's,	153	none	35	
20 Talbot,	66	none	93	
21 Washington,	269	none	56	
22 Worcester,	210	none	70	
	5102	653	730	

Agreeable to the returns of the different districts it appears that 5,102 voters who voted for Harrison did not vote the last election, 1841—also 653 who voted for Van Buren, did not vote—and 730 who voted for Harrison voted for Thomas. All which, respectively submitted for your consideration, without comment, by AN OBSERVER.
—N.Y. 1841.

GEORGIA.
ELECTION. The legislature of Georgia on the 2d inst. opened the returns of the late election for governor of that state, and the result was as follows:
For Charles J. McDonald, Van Buren 37,547
William C. Dawson, whig 33,703

Van Buren majority, 4,144
The return of the election in Muscogee county, where Gov. McDonald had a majority of 42 votes did not reach its destination.

ALABAMA.
LEGISLATURE. Tuscaloosa, Nov. 4, 1841. The two houses of the Alabama legislature organized by the election of major N. Terry, of Limestone, president, and Dr. Moore, of Madison, speaker, both V. Buren, and without opposition. Philpot is elected secretary of the senate, and Tunstall clerk of the house.

MISSISSIPPI.
ELECTION. The election in Mississippi for governor, members of the legislature, two members of congress, and a great number of state officers besides, commenced on Monday, 1st inst., and continued for three days. Mississippi is the only state unrepresented in congress. The two members to be elected, with those to be chosen to fill vacancies by resignations, will complete the house of representatives.
The whig candidate for governor is D. O. Shattuck; the Van Buren anti-bond candidate is T. A. Tucker.
The whig candidates for congress are Adam L. Bingham and William R. Harley; the Van Buren

candidates are William M. Gwin and Jacob Thompson.
—[Nat. Int.]

LOUISIANA.
YELLOW FEVER IN NEW ORLEANS. A letter from New Orleans to the New York Commercial, dated October 29th, states that the yellow fever had ceased to attack new cases, and adds:

In order to demonstrate most conclusively the fatality of the epidemic during the past season, I have taken the trouble to sum up the total mortality, since the outbreak of the fever, commencing on the 1st of August, and ending yesterday, which comprises a period of twelve weeks and five days. The result is as follows:

Weeks.	Total.	Yellow fever.
1st	57	5
2d	80	4
3d	102	23
4th	146	72
5th	174	105
6th	245	164
7th	292	229
8th	327	250
9th	330	180
10th	188	115
11th	151	93
12th	149	96
13th	78	37
	2,249	1,372
	450	350
	2,699	1,722

Buried at Lafayette, from)
New Orleans, estimated.)

Showing an average weekly mortality of 211, of which 135 were of yellow fever. On comparing our summer population (80,000) with that of your city, (20,000), it will readily be perceived how unusually the past season has been. The average number of deaths in New York is about 200 per week, while in this city, with a population one-fourth of yours, the above figures have succeeded for thirteen weeks in succession.

TENNESSEE.
The reply of Mr. Foster to the Van Buren senators of the state has elicited from them an address to the people of the state, and this in turn has called forth again a reply by card from him.

LEGISLATURE. The resolution to go into the election of senators was rejected on the 2d in the senate, by a majority of one (13 to 12)—and thus the matter stands.

Mr. Crockett, recently a member of congress, has been elected by the legislature of this state, Deputy Attorney General for the judicial district of this state.

The hon. WILLIAM C. DENLAP was, on the 22d ult. elected judge of the eleventh judicial circuit of this state by the unanimous vote of the legislative convention.

GOV. POLK'S VALENTINE.—The two houses of the general assembly of Tennessee met at the Methodist Episcopal church at Nashville, on the 15th, where Governor Polk addressed them and the citizens there assembled as follows:
Gentlemen of the senate and the house of representatives, and fellow citizens:

It may be regarded as the chief excellence of our free system of government, that it establishes a perfect equality of rights among its citizens, and that the people rule. Their will is the supreme law; and of it, when expressed in the constitutional forms, there is and there ought to be no appeal. In retiring from their service, as I do with all cheerfulness, I avail myself of the occasion to express to you my gratitude for the repeated manifestations of their confidence, which in past life I have received at their hands. In retiring from the service of Tennessee, that proud commonwealth which occupies so lofty a position among her sister states, I can have but one desire, and that is that her interests, her prosperity, her honor, and the happiness of her people, may be preserved and advanced in whatsoever hands her government may be placed. She does indeed, occupy an enviable reputation, among her sisters of the confederacy. Her fame in our military annals is unsurpassed by that of any other state. She was the first of the states, after the old thirteen, that furnished a chief magistrate to the Union—a chief magistrate who has left the indelible impress of his character and of the patriotism and wisdom of his administration upon his country; and to whose fame and eminent public services, but imperfect justice can be done until after he shall have been gathered to his fathers, a bourn to which full years and full of honor, he is rapidly tending. In the number

of her population she is the fifth of the states. In the intelligence of her people she may justly claim a high rank.

In serving the people of such a state, in various public trusts, for a period of near twenty years, it is a source of gratification to know that I have honestly maintained, and upon all suitable occasions publicly avowed the doctrines and opinions upon which I have acted. I have deceived no man by a concealment of sentiments which I entertained, nor professed opinions in which I was not sincere. If I am in error now, I have lived in error during the whole period I have served the people.

The present is neither the time nor the occasion to revive the discussion of political questions upon which we stand divided, and nothing certainly is further from my intention. I will only add, that I have an abiding and undiminished confidence in the patriotism, intelligence and capacity of the people to maintain, preserve and perpetuate this most perfect model of well-regulated self-government among men ever devised by human wisdom.

In leaving the public employment, I carry with me into retirement the consciousness that I have constantly endeavored to discharge all my public duties faithfully; and I trust that the public interests which have at any time been committed to my hands, have suffered no detriment by any agency of mine.

OHIO.
LEGISLATURE. The following is believed to be a correct list of the members of the next general assembly of this state. Those with a star affixed to their names, are whigs.

SENATORS.
Elected last year.
Butler and Preble—Robert Haseltine.
Delaware, Marion and Crawford—James H. Godman.*

Fairfield and Pickaway—Samuel Spangler.
Franklin, Madison and Clark—Alexander Waddle.*
Hamilton—George W. Holmes.
Huron and Erie—Joseph M. Root.*
Knox and Coshocton—Byram Leonard.
Licking—B. B. Taylor.
Madison and Loxain—James S. Carpenter.*
Miami, Dorke, Mercer and Shelby—W. I. Thomas.*
Montgomery—Joseph Barnett.
Portage and Summit—Elisha N. Sill.*
Seneca, Sandusky, Hancock, Wood and Ottawa—John Goodin.
Stark—Jacob Hostetter.
Trembult—John Crowell.*

Tuscarawas and Holmes—Benjamin Ream.
Warren and Greene—Isaac S. Perkins.*
Wayne—Y. H. Harris.

Elected this year.
Adams, Highland and Fayette—William Robbins.
Athens and Meigs—Abraham Van Vorhes.*
Ashtabula and Lake—Benjamin F. Wade.*
Belmont and Harrison—Chauncey Dowe.*
Champaign, Logan and Union—Benjamin Stanton.*
Clermont, Brown and Clinton—Griffith Foss.*
Columbiana—Charles M. Aten.
Cuyahoga and Geauga—Seabury Ford.*
Gallia, Lawrence and Scioto—Simson Nash.*
Gurnsey and Monroe—William C. Walton.
Hamilton—James J. Faran.

Hocking, Ross, Pike and Jackson—Allen Latham.
Jefferson and Carroll—James Mitchell.
Lewis, Highland, Mercer, Paulding, Putnam, Van Wert, Allen and Hardin—Jacob Clark.
Muskingum—James Henderson.*
Richland—Thomas W. Bartley.
Washington, Morgan and Perry—Alexander McConnell and John Ritchey.

RECAPITULATION.		Opposition.	
Muskingum	1	Ross, Pike, &c.	1
Harrison and Belmont	1	Hamilton	1
Logan, &c.	1	Richland	1
Cinton, &c.	1	Jefferson and Carroll	1
Cuyahoga, &c.	1	Washington, &c.	2
Ashtabula, &c.	1	Greensey and Moore	1
Athens and Meigs	1	Columbiana	1
Gallia, &c.	1	Highland, &c.	1
	8	Lucas, &c.	1
	8		
Elected last year	9	Elected last year	10
	17		19

HOUSE OF REPRESENTATIVES.
Adams, Highland and Fayette—Abraham Lowman* and John A. Smith.*
Ashtabula and Scioto—F. Taylor.*
Athens and Meigs—J. B. Ackley* and Stephen Th.*
Belmont—William Workman and Samuel Dunn.
Butler—J. B. McFarland and James McKelvey.

Champaign—William B. McCrea.*
 Clermont, Brown and Clinton—R. W. Clarke,*
 Geo. Dunham* and Stephen Evans.*
 Columbiana—John M. Jenkins.
 Colchester—Jesse Meredith.
 Cuyahoga—Thomas M. Kelley.*
 Delaware, Marion and Crawford—Thomas W. Powell,*
 George W. Sharp and James Griffin.
 Fairfield—William McLung.
 Franklin—Nathaniel Medbury* and Joseph Cheno-
 weth.*

Gallia, Lawrence and Seale—Moses Gregory.*
 Harrison—Joshua Scott.*
 Georgia—Alpheus Morlot.*
 Greene—John Fudge.*
 Guernsey—Turner G. Brown.*
 Hamilton—William S. Hatch, James H. Ewing,
 Oliver Jones and Robert Moore.
 Harrison—Joshua Scott.*
 Hocking, Ross, Pike and Jackson—Daniel Kershaw,
 John James and Le Grand Byington.
 Huron and Erie—Eleutheros Cooke.*
 Jefferson and Carroll—Matthew Atkinson and Joseph
 Kithcart.

Kane—Jacob J. McNulty.
 Lake—Simon Fuller.*
 Licking—Isaac Green and Jonathan Smith.
 Logan and Union—William C. Lawrence.*
 Lorain—Albert A. Bliss.*
 Lucas, Williams, Henry, Paulding, Putnam, Van
 Hook, Allen and Hardin—James B. Steadman and J.
 W. Williams.*

Madison and Clark—Stephen M. Wheeler.*
 Medina—Lorenzo Warner.*
 Miami, Darke, Mercer and Shelby—Justin Hamilton,*
 Isaac N. Gard* and Joseph S. Updegraff.*
 Monroe—Cornelius Okry.
 Montgomery—Robert C. Schenk* and Silas H.
 Smith.*

Muskingum—David Chambers* and Charles Bow-
 en.*

Pickaway—Joseph Olds.*
 Portage—Joseph Streator.*
 Preble—Joseph S. Hawkins.*
 Richmond—J. P. Henderson and R. W. Cahill.
 Seneca, Sandusky, Hancock, Wood and Ottawa—Amos
 E. Wood and George W. Baird.
 Stark—Eneas Raffensperger.
 Summit—Rufus P. Spalding and Simon Perkins, jr.*
 Trumbull—John Briggs.
 Tuscarawas and Holmes—James Hockinberry and
 David McConnell.
 Warren—John Probasco, jr.*
 Washington, Morgan and Perry—Frustron Lyford and
 Daniel Kelly.
 Wayne—Charles Walcott.

RECAPITULATION.

W'rig.		Opposition.	
Franklin	2	Fairfield	1
Montgomery	2	Licking	2
Pickaway	2	Delaware, &c.	2
Clark and Madison	1	Ross, Pike, &c.	2
Delaware, &c.	1	Knox	3
Muskingum	2	Hamilton	4
Warren	2	Belmont	4
Preble	1	Butler	2
Miami, &c.	3	Richland	2
Medina	1	Seneca, &c.	2
Cuyahoga	1	Jefferson, &c.	2
Huron and Erie	1	Washington, &c.	2
Logan	1	Wayne	1
Champaign	1	Coshocton	1
Greene	1	Columbiana	1
Harrison	1	Tuscarawas, &c.	2
Clinton, &c.	3	Summit	1
Lorain	1	Trumbull	1
Summit	1	Monroe	1
Portage	1	Stark	1
Guernsey	1	Highland, &c.	1
Lake	1	Lucas, &c.	2
Ashtabula	1		
Geauga	1		
Athens and Meigs	2		
Gallia, &c.	1		
Highland, &c.	1		

CINCINNATI BANKS. The Cincinnati Gazette gives the following comparative table, showing the reduction of specie and currency, and in the amount of specie on hand since January, 1837, of the following Cincinnati banks:

In Jan. 1837.	Discounts.	Specie.	Circulation.
Life & Trust Co.	\$1,232,965	169,007	393,595
Commercial bank,	3,16,040	634,561	1,115,548
Franklin bank,	1,073,150	239,559	458,978
Lafayette bank,	1,383,618	111,872	478,033
Miami Exporting Co.	683,666	108,222	383,645

Total, 49,888,372 1,313,232 2,855,639

In Sept. 1841.			
Life & Trust Co.	552,207	11,009	38,750
Commercial bank,	1,417,513	38,545	659,865
Franklin bank,	1,191,135	84,006	61,335
Lafayette bank,	1,371,532	62,381	203,161
Miami Exporting Co.	194,842	14,385	138,463
Total,	4,736,749	210,176	1,201,535
Reduction,	\$5,262,623	1,103,056	1,654,154

INDIANA.

The hon. RICHARD W. DUNSMITH, of this state has addressed a letter to his constituents of the second congressional district, in which we regret to see that he announces it as his intention to retire from public life at the close of his present term. We regret this, not only on account of the high promise of general utility which Mr. T. has evinced during his short service in congress, but because we shall lose by his retirement an able and zealous friend of our local interests.

[Nat. Lit.]

AN INDIAN TREATY-GROUND.

For the following interesting narrative of proceedings, connected with the late attempt on the part of the U. States government to make a treaty with the Sac and Fox Indians for the purchase of the lands on which they reside in the territory of Iowa, we are indebted to the editor of the *Burlington Hawk*, who, was among the number of citizens of the territory who visited the Indian country on the occasion.

Sac and Fox agency, Oct. 16, 1841.

We were fortunate in having arrived at this place on Monday last, before any business had been transacted. Governor Chambers and Mr. Crawford, two of the commissioners, having arrived the day before, the several bands paid their respects to them shortly after our arrival. The Indians were clothed in their best, and being well mounted presented a most imposing appearance. The usual ceremony of shaking hands being ended, they had a talk with the governor and Mr. Crawford, the burden of which was that they were very much gratified at their visit, and expressed themselves much pleased at the happy issue to which the governor and agent had brought their long standing difficulties, so that now the several bands could be united in the most amicable feeling towards each other. Directly after this interview we learn that Poweshieck's and Keokuk's bands were about to go through the ceremony of "smoking for horses." This being new to most present, excited considerable curiosity and as our readers may be equally curious, we shall attempt to give them a description of it.

Poweshieck, with his band, assembled on the beautiful lawn in front of the agency house, and commenced the ceremony by ranging his followers in a sitting posture on the ground. Keokuk and his band took their position about twenty paces immediately in front. These remained standing. Presently one of Keokuk's men crossed the plain, and, coming abreast with one hand and carrying a pipe in the other. Having selected his man, he handed him the pipe; after it was taken and smoked, he then placed the bridle in the smoker's hand and presented him with the horse. The horse was then led off to the rear of Poweshieck's band by the man who had received it, the donor of the pipe, and was treated by him as kindly—and perhaps more so—as an only son. It is known that the Sioux are the most deadly enemies of the Sacs and Foxes, and the tenderness with which this child is treated may appear strange to those who are not aware that it is a custom among various tribes so to treat the children of their enemies who are taken in battle. Several have offered to take this child, and Mr. William Phelps promised to bring it up and educate it with his own children, if Keokuk would give him up; another offered two horses for the child, but all these propositions were peremptorily declined by O. K. as Keokuk is now called.

It is surprising to see the excitement this "smoking for horses" produces among the Indians. They not only gave away horses, but blankets, whole pieces of calico, every article of dress, and one Indian, who had on a handsome military coat, for which he probably acted as the trader, who was not at all, at one hundred dollars took that from his horse, and presented it to the Indian who had smoked for it. Another absolutely stripped off all his clothing, saving his leggings, breech-cloth, and moccasins, and gave them away in the same manner. When the above ceremony is conducted between two distinct tribes, the whole of the proceedings are watched with requisition at this time. It is this, the Indian who makes the present starts off with a bridle and pipe in one hand and a common Indian whip in the other. The receivers or donees sit in a row, with their backs all bared. He approaches, and, after selecting his man, lays on the whip with all his might. If the man does not flinch under two or three "licks" on his bare back, the pipe is handed him, and, after taking a "whiff," he receives the horse, or whatever else it may be. If, however, he should make the least movement, or appear to writhe under the lash the present is withheld from him, and he is called a "coward."

We have been thus particular in describing this ceremony, supposing many of our readers unacquainted with its details, and because nothing of more novelty has transpired since our arrival. Directly after the "smoking" was over, Keokuk made a speech, and the Indians dispersed.

The dragoons, who are stationed here to protect the Indians, then turned out and went through various evolutions, exhibiting a precision in all their movements which reflected credit on their commander, and a state of discipline which can hardly be found out of the regular service. This company is composed of five companies. They are commanded by Lieutenant McGrath, who is a noble gallant officer, and by his modest, gentlemanly deportment in the private circle has endeared himself to all his acquaintance. The manoeuvrings of this corps greatly delighted the Indians, who, while they care little for infantry, stand in great awe of mounted soldiers. Even now a talk with the Indians, who carried sabre, pair of pistols, and a "carbine," or short musket, with a very long bayonet. Since they have been stationed here, which is about a fortnight, they have done considerable service. It is known that all trespassers on the Indian lands were warned by the dragoons, in pursuance of instructions, to leave the country, and that the Indians are now in the country. Several left, and among them one man had secreted his household effects under the floor, with the evident intention of returning as soon as the dragoons had gone, which he thought would be as soon as the payments and treaty were over. Not knowing any thing of what was under the floor, the dragoons set fire to it, as they had done to fifteen or eighteen other cabins, and burned it up, with all its contents. It was reported in the settlements that Smith's house had shared a similar fate, but it is not so; he gave up the keys and the house was spared. Public sentiment, we are glad to find, seems to accord with the action of the government, and the dragoons, and it certainly has given the Indians confidence in their protectors. Infringements on the Indian territory will not be tolerated by the administrators of the government in these parts, depredators may rest assured.

In the evening we visited Hardish's encampment. Before, however, mentioning the circumstances of our visit, we shall endeavor to give some general localities. As you approach the agency from the settlements, the whole landscape is most beautifully interspersed with prairie and delightful groves of timber. Within a few miles of it two of these groves nearly meet, as if disposed to kiss each other. The prairie is just rolling enough in all this region to make the country agreeable to the eye. The agency is built in handsome style, is situated directly in front of an extensive grove of first rate timber, having a never failing stream suitable for stock, running within a few hundred yards of its rear; and in front, for about a mile in extent each way, lies a small prairie, made up of rich soil, and high state of cultivation, called the agency farm. Directly to the east, in an enclosure, is the encampment of the dragoons. As you go beyond the agency, and less than a mile to the southwest of it, you come to the encampment of Hardish. About two or three hundred yards to the south, near a branch, the Burlington encampment may be seen composed of about a dozen tents, all crowded with a set of as jolly fellows as ever "camped out." About half a mile west of the agency house, Poweshieck's band had made their encampment. Near the road, and directly south of this encampment, stands the new council house. These with numerous individual encamp-

ments, form the *tot ensemble* of the vicinity of the agency, including the interpreter's house, blacksmith's house and shop, and the old council house. About one mile west the farm is situated. It is highly cultivated; upwards of one hundred acres of wheat have been sown this season, which looks remarkably well. Large quantities of corn, potatoes, turnips and melons, besides stock, have been raised on it, the whole reflecting much credit on Mr. Carr, the government farmer.

Our visit at Hardish's tent was quite interesting. We found most of the squaws cooking, which added much novelty to the scene. To see upwards of two hundred tents with a large fire at the mouth of each on a dark night was quite inspiring. While the Indians were employed in cooking, some of the young men were engaged in dancing, others again were singing war songs in their tents. We visited Nash-caski's (young Black Hawk) tent, where we found him with his handsome young wife and child, more comfortably and neatly fixed than many white families in regular built houses. This young man evinces more interest than almost any other Indian. He belongs to this band. Next to his tent may be found a young man, who is still as polite to strangers as she was in the life time of the late great chief, Red Jacket.

On Tuesday, the commissioners met the several bands at the council house, for the purpose of giving them a talk relative to the manner in which they would receive their second annual payment, two of which were now due. They had at a previous council determined to receive their first payment through their chiefs. Gov. Chambers congratulated the Indians on the settlement of their difficulties, and hoped that they would now come to some harmonious conclusion among themselves, without the influence of the traders. He commented pretty severely on the influence of the traders, and told them he should leave a guard around the agency, in which place he would leave them to consult among themselves, without the presence of a single white man, including even the interpreters. He told them he should look for an answer from them the next morning.

On Wednesday, the commissioners and Indians again assembled at the council house. All the chiefs and head men spoke in the subject of the annual payment. The purport of their talk was that they had concluded to receive it by heads of families. It appeared, however, that the very men who were the most strenuous for this mode of payment from the first, and who had permitted this question to fester the longest, and which had produced the greatest evil, two years existed between them, were now most anxious that it should be made in the usual way. They could now see that by paying individuals, the traders were less likely to get their pay than by the old mode. It was anticipated that as soon as the heads of families accepted their share, instead of paying their old debts, they would secure their money fairly, and in the chase, whereas, if it was paid to the chiefs, they would pay it out for the liquidation of their old debts.

After the Indians had expressed their determination to be paid in the new mode, it was necessary before proceeding any further to take a census of the number of families in each band, and of each family. The agent (Capt. Beach) then informed the Indians about the order in which he should take the census, and required that all the chiefs should be present during the whole process, so that they might be a check on each other, and detect fraud if any should be attempted or attempted. Gov. Chambers also informed them that he had found a single family more than its actual number. He should deprive it of every cent of the payment. The agent commenced taking the census on Wednesday afternoon, and by noon the next day he had completed it. Such expedition and promptitude on this occasion is highly creditable to the agent. While the census was being taken, the Indians seemed to have much sport among themselves. As each representative head of a family would come up with his bundle of little sticks, to show the number in his or her family, numerous jokes were passed on both sides, either about the number of the question, or the interpreter spoke it, or about their families, children, &c. *After the census was taken, it appeared that the whole nation of Sacs and Foxes only amounted to just twenty-five hundred.* Mr. Mitchell, the superintendent at St. Louis, who is now here, says that at the last treaty at Rock Island, in 1832, he saw nearly fifteen hundred warriors on a horseback, and he is sure that the whole of the nation could not then have numbered much less than eight thousand people. What a melancholy difference nine years have made among them!

In the afternoon of Thursday the money was conveyed to the council house. The agent informed the Indians that he was now ready to pay them their yearly annuity in the manner agreed upon; but he proceeded to pay them, however, the governor ad-

vised them. It had been intimated to him that as soon as the individual payments were made the Indians would probably scatter, and thus frustrate the principal object of the commissioners in their attempt to hold a treaty. He informed the Indians that he wished the chiefs to pledge themselves for their several bands, that they would remain on the ground after the money was paid. When the money was paid, the commissioners had much of the money was paid, the chiefs required till the next morning to make up their minds as to giving this pledge. Forty-one thousand dollars were then distributed to the several chiefs. The chiefs handed the bundles of Missouri bank notes among their people, each headman taking them in his hands. When the money was passed about, a bundle containing twenty-six thousand dollars was handed to Kishkiskosh, who shrewdly asked if he might go away with it. On the breaking up of the council today we found Gov. Duty at the agency house, who had arrived a few hours previous, and of course the morning was now his.

On Friday morning, very early, the chiefs informed the commissioners that they could not accede to the pledge required of them, as some of their people might leave after the individual payment was made; moreover, they thought to have deceived the commissioners, that he did not give the pledge. This frankness and honesty on the part of the chiefs is highly commendable, and shows that they have some honor in their position, if they are Indians. This was good news for those who had been waiting for some time. Preparations were immediately made, and the commissioners were crowded at an early hour.

Mr. Crawford, superintendent of Indian affairs at Washington, in accordance with his instructions made a proposition to the Indians, which was briefly this: The Indians were to cede all their lands to the United States. The government on being assured of this, was to give the Indians a place of council north and give them a place of council south, and to be furnished with necessary implements; a schoolmaster was likewise to be provided and a school house erected.

The proposition was left with the Indians, and they were to meet again at 12 o'clock on Saturday. On Saturday they met, but the Indians gave notice that they were not prepared to give an answer. They met again on Sunday at 10 o'clock, and informed the commissioners that they could not accede to the proposition of government. Keokuk, since their reconciliation, has again become their chief orator. He objected to going north, and seemed quite eloquent, as he dwelt upon the claims his people had to the country, and upon the rights they had gained it fairly by conquest, and that they did not want to leave it. He spoke in the most ironical manner of the attempt to build houses and establish schools among them. They were free, and wished to remain free as ever. Of course, this broke up the treaty.

Thousands who are anxiously wishing for a new purchase of land, and who are now saying that the prospect of making a purchase between now and next summer is very fair. Few will be sorry to see the treaty was not made, on the terms proposed. To erect the forts and the large number of houses, and plough up the ground, and perform the other purchases proposed by government, would have occupied several years, as government had pledged itself that the Indians should not be removed until every thing was prepared for them, they of course would have left Iowa until government had complied with its engagements. We believe that representations will be made to government, and the people interested in the question, so as to induce the government to purchase in the proposition to purchase one-half of the Sac and Fox country, say as high up as the Racoon Fork, which place is upwards of one hundred miles west of our present boundary. We know from individual personal interviews with the Indians that they are willing to sell half. If such a purchase should be made, the Indians could move beyond the boundary at a moment's notice, and the government could come into immediate possession of a large and beautiful tract of country.

Thousands of those who have travelled several hundred miles above the Racoon Fork, that the country is not at all desirable after you get fifty or seventy miles above that point. The country abounds in elk and buffalo. Captain McCrate informed us that he saw about seven hundred elk in one drive, and Sunday he saw a herd of about a dozen or the trail of one drove of buffaloes. As we are leaving we shall speak on the subject more at large.

PRESIDENTIAL.

LETTER FROM GENERAL SCOTT.

WASHINGTON, OCTOBER 25, 1841.
GENTLEMEN: I have the honor to receive many letters from as many different parts of the country, on the part of the writer and his neighbors, nearly the same political interrogatories, to which answers are requested.

The scope of the inquiries is a flattering proof of the interest which some of my countrymen take in the opinions that I have formed on certain great principles of abiding importance to the success of our systems of government; and as I have nothing to conceal, if nothing of value to communicate, I shall, at a private, without policy or reserve, and in the form of a circular, comply with their several requests.

Party politics. Although from early manhood, I have, by the profession of arms, in defence of country, been thrown out of the arena of party politics, yet I have never ceased to be an attentive observer of public events, and thus, I believe, there has scarcely been a year of our present moment in congress, within my time, on which I did not form, and modestly, but firmly, express, a passing opinion.

A mere youth, I felt the liveliest joy when the alien and sedition laws expired in the triumph of Mr. Jefferson. From 1806 I was old enough, by speech and pen, to call for the energetic redress of our wrongs suffered from Great Britain under her orders in council, attack on the Chesapeake frigates, and long continued impressment of our seamen; and when the war of 1812 at length came, I was among the first and longest in the presence of the foe. The insults offered to our commerce, renewed the Napoleonic decrees, (Berlin and Milan), which followed the British orders in council, also largely shared in my indignant reprobation.

The administrations of Mr. Madison and Mr. Monroe, like that of Mr. Jefferson, had in their respective periods, my countrymen, but largely reprobated; and I have since censured nothing in their policy, or in a part, and the dismantling of the remainder of our navy, the gun-boats system of defence that followed, and the indefinite embargo; which, crippling us for, by destroying our commerce and finances, and oppressing our agriculture, has long continued without redressing our outrage from Great Britain.

I give this little sketch of the growth of my party feelings or opinions, unimportant perhaps, except to myself and a few partial friends, to show that, if I have never been a federalist, in any party sense of the term, I have never been a Jacobin, an impracticable or abstractionist in any sense whatever; but always an old fashioned republican, devoted to the support of law and order; a democratic whig, just as all my family had been whigs in the great struggle for national freedom and independence.

The judiciary. From an early and long-continued study of the constitution, my mind has ever been imbued with a deep reverence for the bench; and as a federal—an independent department in our system of government, and which, holding neither the purse to corrupt, nor the sword of power to terrify, addresses itself to the mind force of persuasive reason to the intelligence, and to the sense of the whole community. By the federal constitution, every citizen is made, and is provided to shield its judiciary against fleeting prejudice, political rancor and party dependence, to which legislators and the executive are unavoidably directed, and constantly exposed. Hence, to the "one supreme court" is referred, by the appellate jurisdiction, "all cases in law and equity arising under this constitution, the laws of the United States and treaties made, or which shall be made, under their authority."

Looking to this express provision I have always held that the double question, arising under either the constitution itself, or the laws of the land, under an act of congress, or a treaty, had been solemnly adjudicated by that court, the principle of the decision ought to be taken by all as definitively settled—unless, indeed, it be upon a rehearing before the same tribunal. This appears to me too clear for dispute, for the effect of a judicial decision, *supreme*, and hence there can be no appeal; but to congress is only given the power to constitute "inferior" tribunals. By appeals to the supreme court, a settlement was intended to be reached, and the law, through a long distraction of the public mind, or through the exercise of the executive power, thus rendered impossible. The practice, therefore, for the people, and especially their functionaries, to deny, to disturb or impugn principles thus constitutionally established, strikes me as of evil example, if not of a direct revolutionary tendency, except, indeed, in the exercise of a judicial decision enlarging power and against liberty; and any dangerous ex-

ment of this sort can always be easily corrected (and corrected it is) by the law.

The law is the law, and the law is preserved by the instrument itself—by the organic law of the states and the people. A mere construction of law, other than the constitution, are yet more readily corrected by ancillary or declaratory acts of congress.

The executive veto. This, by the framers of the constitution, could only have been a right. To enable the president to defend his own rightful powers against usurpations on the part of congress; 2. To enable him to forbid other legislative infractions of the constitution; and 3. To guard the country against other acts of hasty or violent legislation.

It is hardly possible to conceive a case, under the first or second of those heads, against which the judiciary—the balance-power of the system—does not afford, of itself, all the security that the people can require.

But, without the protection of either the bench or the veto—would the executive department, so completely at the mercy of the legislature, be so super-judicial of late years? would it be so free from the strictly executive functions for which it was more particularly created? or rather—would not the department itself be the most powerful, for evil, in the government.

The president is, under the checks of the constitution and law, rightfully invested with the power of the sword and the purse. He again and again had that of the purse also. The houses of congress, it is true, lay taxes, fix imposts and regulate the sales of the public domain; but it is he (through his agents), who handles the proceeds. From 1833 to 1836 (to say nothing of the present) he alone nominated and appointed all the agents who kept, as well as those who collected, distributed and disbursed the public revenue. The apothegm—*make us executors, we care not who our legates*, has a frightful application to such agents and the immense treasure that annually passes through their hands.

The rapid increase and spread of population, the growth of national wealth, the amount of revenue collected and disbursed, the new relations (by the extension of commerce) with foreign countries; the additional appointments at home and abroad, the number and value of contracts—all constantly and necessarily on the increase—a general and increasing regard to economy in every department; the habit that we have seen prevail during several presidential terms, of filling public offices with but little or no regard to moral standing, have taken together, already opened to the head of the government elements of power and corruption, which it is difficult to regard as transient and trifling. The constitution to foresee or to conceive. Who, at that distant day, for example, ever dreamed of the spectacles which have recently disgusted every honest citizen—of postmasters, mail contractors, mail agents and census takers, covering the land with government pamphlets, handbills and gazettes, sufficient (if read) to sap the morals, public and private, of an entire generation? of the custom house mercenaries in the large cities, living on the public, neglecting every duty for party meetings and the polls, and rendering to power the most hire-worth services—of district attorneys and collectors—granting commissions, defending enemies of the state, and, in every way, endeavoring, in order to maintain power in the hands of their patron? All who have reflected on the foregoing facts must be ready to affirm—that *executive patronage* "has increased, is increasing, and ought to be diminished."

I hope, then, by an early amendment of the constitution, to see the law of the land made more perfect.

The regulation of patronage would properly follow.

There can be no good reason why the veto should not be overcome by a bare majority in each house of congress, of all the members elected to it—say, for the benefit of reflection, at the end of ten days from the date of its passage. An amendment to this effect would still leave the president—the general representative of every state and district—armed with the votes of all the members, absent at the moment, from the respective houses; and there will always be some members absent from both.

The law of office. The inquiry under this head is not definite in any letter before me. It, however, is presumed to refer: 1. To governors and secretaries of territories, and some of the judges thereof; district attorneys, collectors, surveyors and naval officers of the customs; marshals, postmasters whose commissions amount to a thousand dollars per annum; navy agents, district judges, judges of the circuit, judges, surveyors general of lands, and Indian agents—all of whom are, by law, appointed for a term of four years, but subject, by express enactment, (except the judge) to be removed at pleasure—2. To a high class of civil officers, (next to the chiefs) in the executive department, at which I allude to the judges of the foreign ministers, secretaries of legation and consuls; postmasters whose commissions amount to less than

a thousand dollars per annum; superintendents of Indian affairs, and some of the judges of the circuit, who are appointed for a term of four years, but subject, in practice—not *vis-à-vis* law—to be also removed at pleasure; and 3. To the assistants allowed by law to the judges, who are generally called *clerks*—some of them deputies, appraisers, weighers, gaugers, sub-inspectors, store-keepers, light-house keepers, &c. &c.—all appointed and subject to removal, as under the second head.

I am asked—Whether (in my poor opinion) all the officers (amounting to many thousands) or any of them, ought to be periodically superseded by original appointments? If yes—*When?* And if a part only—*Which?*

We have seen that a great number of officers are filled for a term of years, and more without any limitation as to time. I, however, can draw no line of just distinction between the claims of the two classes upon the favor of country or government.

Premising that regular periodical changes in the subordinate servants of the country, merely for the sake of change, would necessarily swell executive patronage, already a much too great evil, I will, nevertheless, say a few words on the subject, on other grounds, the policy and justice of such changes—1. Because, for the able and prompt execution of public business, much official experience, in a great number of particular stations, is known to be necessary; 2. Because many office-holders, appointed under even reckless patronage, (such as will be seen), may, by appointment, after a time, find of tried integrity and of equal industry and abilities; 3. Because, again, some may be found in a state of honorable poverty, the result no less of stern integrity than of a long and exclusive devotion to the interests of the public; and 4. Because, to remove such servants, or to re-appoint them, from the term of a term, would not only discourage successors in a faithful discharge of duty, but could not fail to outrage the moral sense of entire communities. I speak on this head from what I witnessed in 1829-30, of the cruel experiments on a large scale then made upon the sensibilities of the country, and the mischiefs to the public interests which early en-

What I would, therefore, humbly advise is this: to turn out, not only on a change of president, but in any and every week of the year, all office-holders known to be deficient in either honesty, capacity or industry, and to appoint in their stead men known to be honest, capable and industrious. Without an appeal to this rule, a government of the people, resting on virtue and intelligence, cannot long be successfully maintained; for a blind or vicious distribution of enormous patronage would soon, by the force of the highest example, beat down all that is taught in the schools and colleges.

Our presidential term. Of the eight chief magistrates that presided General Harrison—who a nation yet mourns—the first, third, fourth, fifth and sixth presided over this union, respectively, two successive terms; the other three, but four years each; and every one of the eight, whilst in office, became a candidate for a second term.

Our country has, since the example set by the father of his country, in declining a third election—which has been duly followed by four popular presidents, and would, no doubt, have been observed with equal good faith by the other three, under like circumstances—as establishing a barrier against a third term, as impossible as it is to be applied to the constitution itself.

But I do not consider it respectful to the people, nor otherwise proper in a candidate to solicit favor on a pledge, that if elected, he will not accept a second nomination. It looks too much like a bargain tendered to other aspirants—*yield to me now; I shall soon be out of your grasp*. Too much like the interest of the electors governing the candidate in the choice of a paper—many voting for themselves first, and if without success, finally for the most superannuated, in order that the election may the sooner come round again. I am, however, in favor of an amendment of the constitution, in one of the forms prescribed—declaring that the electors shall be entitled to re-elect to the presidency; and also, as an extension of the term, to that of a senator—a period of six years.

Agency of the president in legislation. 1. I am persuaded that this should be strictly limited; 2. To the veto, qualified as suggested above; 3. To the command on the constitution, "he shall, from time to time, give to the Congress laws which shall be necessary and proper, and recommend to their consideration such measures as he shall judge necessary and expedient;" and 4. To furnishing through the appropriate executive departments, such details for bills as any committee of either house of congress may specially call for.

Leading measures of the late session of congress. If I had had the honor of a vote on the occasion, it

would have been given in favor of the *land distribution bill*, the *homestead bill*, and the *second bill* for creating a *fiscal corporation*—among long been under a conviction, that, in peace, as in war, something efficient, in the nature of a *bank of the United States*, is not only "necessary and proper," but indispensable to the successful operations of the treasury, as well as to many of the wants of our commerce and currency.

Secret, or oath-bound society. I have not been a member of a masonic lodge in thirty odd years, nor a visitor of any lodge since the above. I have, however, been six years a member of the *Academy*, but, in many academies and colleges, as is well known, associations of students, tutors and professors, for purely literary purposes, and their meetings, generally, for aught that I know, may be secret. Twenty-eight years ago, I was once present with such an association, and never since, and I have, within five years, received many flattering notices of my having been enrolled as an honorary member of as many such associations. I am sorry to be reminded that, by some strange neglect, I have failed to accept one of those honorable distinctions.

Finally, I am asked, if nominated as a candidate for the presidency, would you accept the nomination? I beg leave respectfully to reply, yes; provided that I be not required to renounce any principle professed above. My principles are convictions.

Hopeing that you, who have done me the honor to invite this general reply, with the millions, be enabled in a year or two to fix on some other citizen as your candidate more worthy, and, therefore, more likely to conciliate the majority of popular suffrages, I remain, gentlemen, your friend and fellow citizen.

WINFIELD SCOTT.

ABOLITION OF SLAVERY.

SPEECH OF MR. RAYNER, OF N. C.

ON THE QUESTION OF THE RECEPTION OF ABOLITION PETITIONS.

House of representatives, June 15, 1841.

MR. RAYNER said he was aware he should be met with the same charge from a certain quarter, which was made in the case of Mr. WISE, that he was "too wise," that his object was to produce agitation. But he took the distinct ground, in the outset of his remarks, that he, and those who were battling here for the rights of the south, were fighting strictly on the *defensive*. We are guilty of no aggression, (said Mr. R.) We abuse neither house nor individual members of the constitution. All we ask of you is, that the house may be organized according to the parliamentary practice—according to the usage which has existed here since the origin of the government.—We call upon you to adopt the rules of the last congress till new ones can be reported—that we may immediately proceed to the business for which we are assembled. We know we did not meet here for the purpose of blowing the embers of sectional strife. The patriotism and the intelligence of the nation demand something more at our hands. The eyes of a suffering country are upon us. I then call upon the members of the house, in the name of our common country, to organize the house for the purpose of adopting the old rules till a committee can have time to revise and report new ones. But no, the gentleman from Massachusetts, (Mr. ADAMS), and those who sustain him, must first obtain a triumph over the unoffending south. The feelings of every southern man have been outraged before the committee was assembled. We have seen the great task for which we were convened. This is a question on which we will yield nothing. We will contest every inch of ground; and, if we fall, we will fight lightning with our faces to the foe. If we come off it, we are not responsible. We have the advantage of struggling with a man who is fighting the battle of the whole nation, and on your heads let the consequences fall.

I shall vote against every proposition, (said Mr. R.) which recognises the reception of abolition petitions, which is to place them in the possession of this house, or which tends to confer upon them any consideration whatever. I shall vote against that reception because they ask us to violate the constitution—because they are calculated to obstruct the regular course of business here, and to foster discord and dissension throughout the country. As the constitution has given congress no power to "take private property from one section of the country, and give it to another section." Such legislation as they call "just compensation," I will not even consider a proposition which asks us to take away the private property of the citizens of the District, not "for public use," unless "public use" consists in gratifying the whims of agitators in one section of the union at the expense of the rights, and the peace of the whole nation. Such legislation as they call "just compensation," I will not even consider a proposition which asks us to take away the private property of the citizens of the District, not "for public use, but for the

and objects for the exercise of the power which they seem with blasphemy against the God who overlooks and protects us—suppose they breathe that sin and pollution, amid scenes of which I learn these abolition petitions have their origin—according to the doctrine insisted on, we can exercise the power which we are bound to exercise, and to bestow upon them the most gracious consideration. Suppose we are petitioned to dissolve the union, why we must immediately set about and calculate its value. According to this construction of the constitution, it contains within itself the elements of its own destruction. It has, by very means by which it may be cautiously approved, successfully assailed, and inevitably destroyed. These agitators pretend that it is a sacred grant for the rights secured by the constitution that actuates them; yet, in the excess of their devotion, in the fervor of their affection for the constitution, they stab it to the heart, as Jacob did Amer, when, pretending to embrace it. Why, sir, it is ridiculous, it is absurd, to talk about the constitution imposing on congress the duty to do that which must inevitably work a destruction of the constitution itself.

I presume the house has the power, if it thought proper in its discretion to do so, to receive petitioners in person at the bar of the house, and hear their grievances verbally explained. Well, are petitions drawn out on paper, and subscribed by the petitioners, entitled to more respect, or more binding in their obligation on us to receive them, than if the petitioners were to present themselves here in person, and to state in a loud and angry tone, the house in the latter case would have power, and be fully justified, in driving the petitioners from our doors, if they addressed us in abusive or disrespectful language? And the house would, and must of necessity, be the judge, in its discretion, whether the petitioners presented in person, or in a loud and angry tone, or in writing, must result from the inherent and necessary right of every legislative body to protect itself, and preserve its own dignity, in the exercise of its legal functions. Then, if the house would have the right to drive from its door for improper conduct, or disrespectful language, or an angry tone, the petitioners, and the members of the house, and the union, the petitioners themselves, *it must* have the right to refuse to receive their petitions for like cause, unless pen, ink, and paper can impart a sanctity to petition, which it does not possess when orally made. This house must have the power to protect itself from insult, and from abuse, if it must exercise its own discretion; and in the exercise of this discretion, a sound and enlightened public opinion will always secure for petitions that are respectful, and within the limits of our constitutional power, a calm and dispassionate consideration. And this point being yielded—that congress may have the power to protect itself from insult and abuse, of which it can be the only judge, and in its discretion—and every thing is yielded; and all the sophistical arguments that are built upon the assumption that congress is bound to regard the right of petition without any qualification, must tumble to the ground. For all the pious advocates of the doctrine, that we are *bound* to receive and refer those petitions, are compelled to take the ground that the right of petition is sacred, inviolable, and obligatory in its nature, and that it leaves congress no discretion on the subject; and that we are bound, without regard to the character of the language, to receive and refer those petitioners, to receive all petitions, respectfully refer and report upon them, even to the neglect of other pressing and important business of the nation.

But, gentlemen tell us, it is the sacred right of petition those people are contending for. Very good, sir, no one denies them the right of petition. Insulting and vexatious words will do to us, to say that we deny them the right to assemble together, to interchange their views; to listen to the hypocritical rant and rhymed appeals of their priestly impostors; to shed its many crocodile tears as they please over the imaginary wrongs of the poor slaves of the south, or to be far happier than to be in company with the wretched who need their charity at home. We are willing that they should abuse us of the south as tyrants, and deserving of massacre, as much as we choose; we are willing to all this; but we are not willing that their vile petitions, which ask us to violate the constitution, be put in, to deprive the peace and happiness of the people of this country, should receive any countenance from this body, the members of which are sworn to support the constitution, and who ought to be the guardians of the rights and liberties of the people of the states. We insist upon the petitioners themselves would deserve to be treated as they would treat us, if they were to present themselves in person, disturbing our harmony and interrupting our proceedings—that our doors should be shut against them, and they driven with indignation from our presence.—

When petitioners are presented here that are respectful in their language, praying for a redress of the grievances of those who petition, and which relate to a subject within our constitutional jurisdiction, the spirit of our free institutions requires that we should, the imaginary grievances of others, which we should, us to throw the country into disorder and confusion, and to violate the constitution, which is the very soul of the union; so far from being received, they should be rejected with scorn and contempt.

But, sir, what is the right of petition, in the constitutional meaning of the term? Is it the right of the people to assemble together, without molestation, and to express their wishes to the legislature; or is it the right to have their petitions unqualifiedly and unconditionally received, referred, and acted on? It certainly cannot mean the latter for the same process of reasoning which would establish the right of the people to receive all petitions that are presented, of whatsoever character, would also prove it to be their bounden duty to grant the prayers of the petitioners, when received. Because the duty of congress to receive them is an inference only, to be drawn from a latitude of construction; and the same latitude, if constructed by going a step further, could as easily prove that the power petitioned is bound to grant the applicant's prayer. If the right of petition means anything more than the right to assemble—to subscribe, if you please, and offer the petition—how much more does it mean, and what, and where, is the rule by which you apply its meaning? Do you derive your rule of construction from the constitution, or from the law? If so, where is it? If the right of petition does not necessarily include the right to have the petition granted, what is the difference between rejecting it at the threshold, on account of its unconstitutional and illegal character, and its doing so afterwards, on account of its inexpediency? If it does include the right to have the petition granted, why then there is an end to the government, for there is no act of legislation to which some factious spirit would not object, and thus the action of this house might ever be kept suspended between petition on the one hand, and refusal to grant the petition on the other. I again ask, what is the right of petition as provided for in the constitution? If my recollection of history is correct, it grew out of, and is intended to guard against, the dangers and difficulties which beset the friends of liberty, during their struggles against the despotism of the latter Stuarts. It is well known that the peaceable assemblages of the opponents of power in those times, were frequently annoyed and dispersed by military force, under the pretence that they were collected for treasonable and seditious purposes. And this right of assembling, to consult together for the purpose of laying their complaints before parliament, or the great council, was afterwards conferred by and recognised in the bill of rights, signed by the 3d William, when he was called to the English throne in 1688. This right of petition, so much talked of, is secured to the English citizen as well as to ours; yet who will contend that parliament is bound to receive and refer every petition, or a petition praying for the expulsion of the house of Brunswick, and the restoration of the Stuarts? Does any one here believe that such a petition would receive countenance from the commons of England? So far from it, it would place in peril the petitioner's head.

This right of petition, secured to the people of England, was the bill of rights, which was passed before the revolution, by these colonies, a component part of the British realm. And the grounds upon which its violation was complained of, during the early struggle of the colonies against the tyranny of the mother country, was, not that their petitioners were refused, but, that armed bodies of trained troops were quartered among them, for the purpose of overawing their deliberations, and of interrupting their peaceful assemblages, when quietly convened for the purpose of consulting for their common good. This is one of the grievances set forth in the declaration of independence, a protection which is secured to the people of this country, by a fundamental law. Judging, then, from the history of this question, and the probable motives which caused its insertion in the constitution, it has reference to the *rights and personal security* of the petitioners—their right to assemble together, to consult for their common good, and to present their petitions to the legislature, and not to any obligation on the part of the petitioned to grant or to receive the prayers of the applicants. As to the course of action on the part of the legislature, it must be regulated by sound dis-

cretion, by a prudent policy, by an enlightened public opinion, and by the provisions of the constitution, in regard to the subject-matter of the petitions. For if there is an unlimited and unqualified obligation, on the part of congress, to receive and consider all petitions, then we would be bound to receive and respectfully entertain petitions praying us to abolish the constitution, and to return once more under the colonial dominion of England. Gentlemen may say, this is an extreme case. I know it is—but still this is a hawker, over which the District must exercise its well calculated power, to expose the absurdity of the principle contended for.

I believe the power of congress to abolish slavery in the District of Columbia is usually claimed under that clause which says that congress shall have power "to exercise exclusive legislation, in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress become the seat of the government of the United States," &c. I believe the abolitionists admit—I know I have heard the gentleman from Vermont (Mr. SLADE) admit that the constitution gives congress the power of "exclusive legislation," then slavery in the District is not a grievance for a redress of which the people of the north have a right to petition. Now, what is the meaning of exclusive legislation? Does it mean absolute and unlimited legislation? Certainly not. The word *exclusive* is an adjective, and signifies that it is a power of congress, over the subject to which it is applied, it has a negative relation to other or different influence than that of the preceding power to which it refers. *Exclusive*, in its derivative sense, means the shutting out or casting off of any other. It is intended to denote the quality, and not the quantity or amount of legislation to which it may relate. And the quality which it denotes is, that it shuts out all legislation by any other power. Webster, in his dictionary, defines *exclusive* as meaning "having the power of preventing entrance—debarbing from participation—possessed and enjoyed to the exclusion of others." The legislature of the United States, and the exclusive legislation of the territory included within the limits of that state, except so far as it has granted it to this government, and yet that legislature has not the power to abolish slavery in that state, because slavery is an institution recognised by her constitution in the appointment of her representatives, and in the guarantee of the right of property which it guarantees to the citizen. The master in the south has the exclusive right of property in his slave; still he has not unlimited power over him as had the ancient Romans over their slaves. He cannot put him to death, and, in my state, he is not allowed to mutilate or maim him, to feed him and treat him humanely. The constitution has left to state legislatures the exclusive right of choosing their senators in congress; still they have not an unlimited and absolute control of the matter—they must select them from within the state for which they are chosen, and cannot select persons under forty years of age, or who have not resided in the state and Baltimore rail road have the exclusive right of transportation on that road; yet they have not the absolute and unlimited power to transport the person or property of any man against his will; neither have they the right to wantonly run their engines over any track, or to exclude any who may happen to struggle across their track, or to exclude any person, as mentioned in the constitution, while it excludes legislation by any other power, still does not grant to congress an absolute and unlimited control over those subjects on which it is authorised to legislate. If exclusive legislation means unlimited legislation, then congress has the power to establish a confining religion in this District, or to establish therein a religion by law.

I have frequently heard it said that this matter would not have been left so vague and indefinite, if Virginia and Maryland had not intended to restrict the general government in its legislative action; but that they would have inserted a provision that would have secured to the states the exclusive right of legislation. I attempted to show that this case was fully provided for in the deeds of cession, and that the restriction is entire and complete. But, if there had been no express restriction, it would not have altered the case. No one believes that either of those states would have intended to put the territory in question which they have supposed to be the property of the government ever so far violate every principle of faith and justice as to convert this District into an asylum and a refuge for their runaway slaves. The cession, however, was made in the purer days of the republic, when its decisions were controlled by the same men who advocated its liberality and its principles of freedom and patriotism, beat high and bounding in their bosoms. Those states could not then have supposed that, in fifty years, faction and fanaticism were

to shake this union to its centre; and that a boon which they bestowed from the purest motives of patriotism, was to be used as a means of their destruction. And the warlike of those generous impulses they are to be used to the destruction of the nation, they should have been as exacting as Blyhook, or as accurate as a miser when counting his gold. If no provision of restriction had been inserted, the general government could have exercised the power, without being guilty of an act of perfidy, disgraceful to the government, and disreputable to the American character. It is cruel at all times to deceive the credulous and unwary, even when no fatal injury is to be the result; but to take advantage of confidence reposed, to plot disaster and ruin against the innocent and confiding party, is crime unpardonable, and unpardonable by a nation is a reproach to any people. Yes, sir, in the absence of any provision, if this government were to violate the faith reposed in it by Virginia and Maryland, then American faith might well become a by-word and a reproach in modern times, as Punic faith was among the ancients to denote the perfidy and insincerity of the Carthaginian character.

I presume no one will deny that the abolition of slavery in this District, by this government, would be an act of perfidy towards Maryland and Virginia, who ceded the territory. And will gentlemen yet insist that we should receive and consider petitions which call upon us to commit a gross and wilful act of perfidy? Now I presume it is unnecessary for me to undertake to prove that a proposition to commit an act of perfidy ought not to be entertained in this house. If an honest and conscientious man in private life would reject such a proposition with scorn and indignation, ought not the assembled representatives of a Christian people to do so? Perfidy, which is a violation of confidence, of trust reposed, is a crime which, in all ages of the world, has been stamped with the deepest reprobation, and which untutored savages even look upon with horror. The wild Arab of the desert, who roams in quest of plunder, and whose mind has never been illumined by the rays of civil light, not only observes, but he promises with scrupulous idleness, but looks upon the way-worn traveller who enters his tent as inviolable in his purse and person, and would risk his life in defence of the guest who relies upon an implied assurance of his protection. And shall it be said that a Christian people, who boast of their civilization, and who are bound by all the obligations of morality and justice, are guilty of an act of perfidy which would bring the blush of shame to an Arab's cheek? Will this government legalize treachery? Will it knowingly and wilfully violate the confidence which has been reposed in it? Gentlemen who favour the views of the faction talk of great debt about moral right and justice. Here is a case which affords them an opportunity of showing their sense of moral right: for there is a great moral principle involved in this issue; it is, whether plighted faith is hereafter to be regarded among men, or whether it is to be treated as a jest. If it is to be regarded as hereafter to be observed, or doubt and suspicion to prevail in its stead. Why, sir, what sort of a spectacle would the human family present if all confidence were destroyed between man and man? Banish confidence from the world, and you produce a social chaos. Governments exist by confidence; society is maintained by confidence; and the very basis of all enduring relations of life would lose their charm without it. Destroy confidence, and then indeed is friendship

—“but a name,
A claim that lulls to sleep.”
and a still more tender relation yields its power to
“The green-eyed monster, which doth mock
The meat it feeds on.”

Establish the principle that plighted faith is not to be regarded, and you convert man into a being without any other tie than appetite. Destroy confidence between nations, and intercourse must be suspended; and where commerce now spreads her canvass to the breeze solitude will brood over the bosom of the deep. Destroy confidence, and you dissolve the cement that binds the union together; slavery in new states is to be admitted into the union, would be equally unconstitutional, and violative of good faith, as the interference with slavery in this District; but, having occupied the time of the house so long, I cannot now go into either of those questions.

Mr. Speaker, I had intended to attempt to show that the interference of congress with the sale of slaves between the states, the abolition of slavery in the territories, or the prohibition of slavery in new states is to be admitted into the union, would be equally unconstitutional, and violative of good faith, as the interference with slavery in this District; but, having occupied the time of the house so long, I cannot now go into either of those questions.

The gentleman from Massachusetts (Mr. Adams) remarked, in quoting the language of another, that there was not one of the attributes of the Almighty on the side of those who tolerate slavery, or who would attempt to end the servile insurrection by force. Here the gentleman has chosen to forget the constitution and the law, and to place this question upon the great principles of moral right and of the divine law. I will not stop to look at the direful consequences growing out of the loose application of such doctrines to the affairs of human legislation. It sweeps away, in a moment, all the laws, all the order, and subjects all social compacts, all conventional agreements, all legislative enactments, to the capricious and factious construction which a blind and infuriated multitude might place upon the principles and requirements of the moral law. It is disorganizing, it is revolutionary, and lets loose upon the world all the tumultuous impulses of human passion. So far as relates to human government and to temporal institutions, *these must be a matter of conventional arrangement, of plighted faith.* As to the abstract and inherent behests of the divine law, *they rest only upon the bosom of the great Being who created the world; and He, in his appointed time, will mete out justice in due proportion to the offender and the offended.* And will the gentleman from Massachusetts and his abolition friends presume to assert one of the attributes of deity itself? Will they undertake to avenge what they call their fancied wrongs, or to accumulate wrongs of an injured race? How dare they be guilty of such impious presumption? “Vengeance is mine, saith the Lord,” says that Book which we are all taught to reverence. In their wild rant about justice, they should recollect that injunction of the Lord which says, “Thou shalt not covet thy neighbor’s man servant, nor his mail servant, nor any thing that is his.” We also demand nothing but justice. We claim to be let alone, to be left free to the enjoyment of those rights that are guaranteed to us by the constitution of our country; and as to any right of justice or of the moral law, we are responsible to that Being before whom we must all appear in judgment.

The gentleman from Massachusetts told us that this movement on the part of the abolitionists was in accordance with that progress of public opinion which is pervading the world. He referred to the emancipation of the slaves in the West Indies, and to the progress of the moral and moral improvement even in China itself. I was really surprised to hear of his reach and power of understanding advance an argument on this subject which a pigmy in intellect can overturn in a moment. What does he put the power of this house on a level with the power of the British parliament? Has he quite forgotten the constitution? Does he not know that our power are limited, while those of parliament are said to be omnipotent? If the governments of England and France have seen fit to abolish slavery in their dominions, they had an unlimited right to do so; but I have never yet heard of that nation which has ever advanced the right of the United States to the institution of slavery within the jurisdiction of another country. The gentleman from Massachusetts spoke with much apparent pride, of the emancipation by England of the slaves in her West India possessions. If he is willing to know the workings of this system, I refer him to an article in the *Edinburgh Review* for January,

“This misapprehension, (between the managers and laborers), though the term is too mild adequately to represent the existing relation of the parties, has arisen from the unwise endeavor of the planters to compel labor by the exercise of the species of force, and to force every purpose but annoyance and exasperation. It has been attempted to make the dwellings and the provision grounds of the negroes the instruments of compelling them to work for the land owner on whose plantation they reside, and to force their weary and wretched slaves, as has been, ‘if you will not work for me, you must quit immediately your house and land,’ (so the latter of which the laborer has given up his principal means of subsistence), so much as to force him to demand so much for rent, or rather so much for each member of your family, without reference to the actual value of the tenement and its appurtenances; and the one, the other, and the third, are all equally unjust and oppressive. The strong arm of the law has been liberally invoked to carry on the contest commenced on such grounds; legislation has not been spared to render it stronger. The law has been made so strong, that the most experienced instructors of the laws, enactments of the most heterogeneous description have been brought to bear upon the unfortunate laborers. There are the contract acts, the hire acts, the labor acts, the apprenticeship acts, the petty debt act, the police act, and the vagrant act, all of which (except the first, which he does not mention) Mr. Gurney designates as ‘local laws’ opposed to the general principle of the law. The petty debt act, he says, ‘binds the free laborer to the land, and thus creates a new system of oppression, of penal and fictitious rents which is now the very bane of Jamaica.’ A police, arm-

1841, entitled “Wrongs and Claims of Indian Commerce,” from which it will be seen that the present degraded and unhappy condition of the emancipated slaves there needs his sympathy much more than do the slaves of our southern states. If slavery be evil, it will be the same to all the races of men; and we need not the mawkish sensibility of those who are unacquainted with our situation to teach us our duty or our interest.

This attempt to abolish slavery in the District of Columbia is false and deceptive in its character; for it cannot be concealed that the object is to gain a foothold, wherefrom to assail slavery more effectually in the states. This was for a long time denied; in fact, at the commencement of the agitation, we were told that they did not contemplate any legislative action whatever, but that their only object was to exercise a moral influence upon public opinion. But they have changed their position. My friend from Georgia, (Mr. Kixie), who, the other day, threw himself so gallantly in the breach, has proved from the record, from their own published documents, that the object of these agitators is general abolition. And if it is to be commenced by legislation, will it not be continued and consummated by legislation? The first only appeal to southern men, but to northern men, and I think I need not entertain a proposition which carries deception and falsehood upon its very face, and which is only intended as an entering wedge to the attainment of an end which no man here will now have the hardihood to advocate? Disguise it as they may, it is a covert and base design to abolish the institution of slavery throughout the entire south. We all know the insidious progress of power, whether veiled under the forms of legislation or exercised by the absolute will of one man. Its approach is slow and cautious, but it gains strength as each successive step is taken. I need not allude to the “mighty Colossus”; and, when it is too late, we must either appeal to the *ultima ratio* of revolution, or “find ourselves dishonorable graves.” Now, now is the time to arrest this evil; we must resist it in the outset; we must outcut this incipient cancer by the root. We must not wait until it has reached the Hydra, but, like Hercules, we must apply the strangling iron, to prevent its return with still more horrid features.

Sir, I will not attempt to discuss the isolated question of slavery as it exists in the states, or attempt to prove on this floor our right to our own property. We have said, on this subject, is, if you want our slaves, “seize and take them.” I dare you to enter upon this mad crusade, I would advise you to outwell the cost of your undertaking. Before you accomplish your purpose you must march over hecatombs of bodies; you must convert every one of your swelling fleets into a camp, you must beat every one of your ploughshares into swords, you must long before you reach the banks of the Ronco, every vessel will run red with our blood, every bill will whiten with your bones. Attempt this wild project when you will, and, if there be any truth in heathen story, the banks of the Styx will be lined with your shivering ghosts a hundred years to come. And the battle will not be fought by the descendants of the Cavaliers alone, as intimated by the gentleman from Kentucky, (Mr. Marshall.) When your myriads, after conquering them, shall reach the borders of the old north state, they will find the bravest souls congregated of our northern brethren, who will form a rampart with our bodies, over which you will never pass till you have planted your feet upon our graves. I say not this in idle bravado. We shall never leave our homes to make war upon you; but I warn you to leave us unmolested. Do let us alone.—You may kill as many of us as you know nothing of, but the names of our people, determined to maintain their rights by their own firesides, at the sacrifice of every comfort, at the risk of every danger.

And with deadly weapons, is always, to say the least of it, a dangerous expedient; and in country districts where there is confessedly scarcely any crime, it can be regarded only as a needless source of irritation and alarm. Too many may also become an instrument of oppression and cruelty. Finally, in a country where there is scarcely to be found an instance of real vagabondism, but where laborers are often compelled to leave their homes in search of new labor, and where the law is so strong, that the denial of a law which subjects every poor fellow who may be found sleeping under a hedge, or in an out house by the roadside, to a long term of imprisonment, with hard labor, or to a fine, or to a term of imprisonment, or measures have been taken to enforce labor, or to revenge its being withheld: “Cocoa-nut and bread fruit trees have been felled; cottages have been unroofed, and sometimes the lives of the poor have been sacrificed; and the earth uprooted by the rude hand of violence, or trodden under foot by execrable.”

So far as regards the mere question of slavery in the abstract, I am not one of those who believe it to be a blessing. I believe it to be an evil. And when I say an evil I do not mean that its toleration is a crime—a political sin—but that it is a misfortune to a people among whom it exists. But if it were ten times greater an evil than it is, we will never suffer those who are uninterested in the matter to interfere with us. There is a natural repugnance in man against the idle and insolent interference of others; and we never will be driven to a misfortune in the matter of time, or of money, or of power, or of policy, or from interest. And I can assure northern gentlemen that the course of the abolitionists has riveted the chains of slavery with double and triple bolts of steel. It has thrown back the cause of non-slavery in the south at least a century. Since the people of the north have taken this matter in their keeping, we no longer contemplate the time, in advance, when slavery is to cease amongst us. We had rather bear this evil than that our enemies should claim as a triumph that which future policy might have dictated to us to do of our own accord.

We are told by gentlemen from the north—and I am sorry to see gentlemen from the south (Mr. BOWEN of Virginia) has taken the same ground, in a cable lately addressed to his constituents—that, if we wish peace and quiet on this subject, we must receive and entertain these petitions. Then we must purchase peace by what we conceive to be a surrender of our rights. Can we be expected to remain passive in the face of an attack upon the rights of our countrymen surprised at our excitement and impatience at being thus harassed? Do they insist that we must not only submit to an invasion of our rights, but that we must not be allowed to complain? As well might you blame the victim at the stake for his cries, or the man at the gallows for his groans. The discussion on our part is of a defensive character. We want no discussion; we call for no action; but we simply ask to be let alone. We are blamed for the tone of defiance and temper with which we speak on the subject. Gentlemen insist—and I am sorry to see some from the north take up the same ground—the matter—that we should refer and report upon these petitions, and reason with the agitators upon the impropriety of granting their requests. For one, I cannot consent to do it. I put in a plea to the jurisdiction of the court. You have no power over the subject. And as to reasons—that reason is false. I have already dissipated every question with those who are under the influence of prejudice and passion! You might as well attempt to reason with a madman upon the cause of his malady, or with a lover upon the folly of despondency. Such a tenacious grasp has fanaticism upon the mind, that all passions it is the most difficult to shake from its hold. It is the only influence under which the human heart may not distrust itself. The poet beautifully expresses this idea when he says:

"The lover may
Distrust the look which steals his soul away;
The babe may cease to think that it can play
With heaven's rattle, and the cleric of martyrdom
The shining gold that crumble gives out;
But faith, fanatic faith, ever weddeth fast
To some dear falsehood, hugs it to the last!"

And so with these abolitionists—they are wedded fast to falsehood, and will not be parted from it. We are frequently told that these abolitionists, though deluded, are a respectable class, and conscientious in their views. Gentlemen may think so, but I doubt it. If their efforts proceed from a feeling of benevolence, and their real object is reform—if they are following the dictates of duty, why do they say so themselves? Do they not condemn their doctrines in person, like true and faithful missionaries should do? If they were really sincere and conscientious in their course, they would not, like dastardly cowards, assail us from their retreats; but they would preach their doctrines to a deluded people (as they say) and would shake the world from its foundations itself. The assurance of truth and the consciousness of innocence always embolden the advocates of reform; and "the righteous are always as bold as a lion." Why do they not come amongst us in the south? Perhaps they may convert us over to their cause. Are they afraid that if they come their foot-prints will all tend in one direction, like those of the beasts, to the sick lion's den? The fear of that did not intimidate the apostles of our holy religion, it did not frighten the great reformer of our church, to whom this fanatic banditti are frequently compared, and who, when he heard the great martyr from Vermont (Mr. SLADE) compare them. The apostles, instead of a martyr, were a martyr.

even when he knew that martyrdom awaited him.—What was the reply of Luther when warned of the danger of going to the Diet at Worms? Said he, "if there were many dead there as there are living in the roofs and cellars of my house, I would go on." Tell me of the sincerity, the valor, or the patriotism of these incendiaries. If they possess those qualities in the degree that has been attributed to them, they would risk something for the promulgation of their doctrines. As they have abandoned their duties in their desire to come, I ask, and attack our crimes and our errors fairly and openly in the field of argument—instead of skulking, like Scoundrels, attacking us from the everglades and the thickets? Now, I do hope that gentlemen here, who approve of their course, will come to the south, to come amongst us and enlighten us on this question. I advise the gentleman from Massachusetts (MR. ADAMS), from Vermont, (MR. SLADE), from Ohio, (MR. GORING), from New York, (MR. GATES), and the old gentleman over the way (MR. MARCROSS) who talked the other day about the damning sin of slavery—I advise them, when they return home, to persuade some of the leaders of abolitionism in their districts to take pity on our ignorance in the south, to come and teach the people of my district what a great curse slavery is. They will gain much glory and credit by so doing, and will vindicate us of their sincerity. And although I cannot answer for the number of converts they may make, yet I will promise them one thing—they shall be treated with the highest consideration.

Sir, there is another consideration connected with this subject, which is not at all respectable to the country, but is a reproach to the age, and a vitiated state of moral feeling that threatens to revolutionize society itself. It is, that this crusade against the institutions of the south is, in a great degree, carried on and sustained by men professing to be the ministers of the gospel of Christ, and by men who are disinterestedly and sincerely in the world of that holy religion that was taught by the Saviour of the world and nothing but an assurance that these men are believing their religious professions, could induce me to speak of them with the freedom which I do. I make no pretensions to piety, yet, from my soul, I have always entertained a profound reverence for that holy religion, the truth of which was sealed with the blood of God himself. And, sir, I had always thought that the tendency of this religion was to expand and elevate the soul; to lift its aspirations far above the perishing objects of time and sense; to point the eye of faith to Heaven, and to subvert the consolation of a well spent and an offensive life in the hour of death. And it is this bright vision of my youth to be dispelled, "to fly like fancy's dream" before the sad realities of the times? No, it cannot be—it must not be. These men are believing their sacred professions; they profess to be the followers of Christ, and to be true to his teachings in this world; and yet they are mingling in the turmoil, and fanning the fires of political strife. They know not, and I suppose they care not, how much they are injuring the cause of religion by violating its injunctions, while pretending to be actuated by a zeal for its success.

These do not know me well know that I am incapable of any disrespect to the fairer portion of creation. No man bows with more sincere devotion to the power and majesty of woman. And it is my great regard, my inexpressible veneration for the female character, my elevated conception of its dignity and its worth, that cause me to look with such reverence upon the conduct of the female portion of abolition petitioners here. At least half of the signers to these petitions, breathing venom and denunciation against the entire south, are women. Sir, women have no business interfering where men are contending for power. They are unfit to teach us our political duties as they are to lead us in the way, or to conduct our councils in peace. The scenes here are too exciting, the conflicts too bitter, for their tender and delicate natures. Their business is to soothe the impetuous and hardened nature of man, instead of exciting it into still more violent commotion. I have said already one of the

"Who never a tear is shed, a wounded heart

There is woman's sphere, there is the proper theme for her action. But when they will usurp them-

selves, by thrusting themselves into scenes for which nature never intended them, they must expect their conduct to excite the indignation of criticism for a reprobation of their course is a duty which we owe to others of her sex, whose modesty and sense of propriety restrain them within their own sphere. It always denotes a distempered state of moral feeling, to see women busily interfering in the political affairs of a nation. English history reads us many a lesson in this respect. The plans and intrigues that led to the elevation of Cromwell, the most finished hypocrite of modern history, were originated and matured at the pretended meetings for prayer, in which the women of the time not only participated, but exercised an important influence. What sort of an administration could be expected from such a state of things? Ministers ever held seals to-day, and were expelled from office to-morrow, as one favorite or another happened to predominate in the sovereign's affections? The revolution in France was hurried in its progress by the fish-women of Paris; and many of the horrors of that bloody time were perpetrated by female hands. And all the hypocritical cant of the days of Cromwell, all the disgusting intrigue of the court of Charles II, all the horrid excesses of the French revolution, proceeded not from a more fanatical spirit than that which hurries on, in their course, the abolitionists of the present day; for they are not only regarded as the human solution which may result from their course, but the inevitable tendency of their measures is to overthrow the government itself, and thereby extinguish forever the hopes of freedom throughout the world.

Now, sir, I think the time has arrived when the north and the south should understand each other on this question. I wish the south to know who are their friends and who the enemies of their constitutional rights. The gentleman from Massachusetts (MR. ADAMS) has said this is the great question—that it is a question between the north and the south, between liberty and slavery. He has said that the adoption of the 21st rule in the last session was a then substitution measure, and spoke with apparent pride of the abrogation of this rule, being the first measure of the whig administration. And this speech of his will be printed and sent abroad to the world as having received the tacit sanction of the members from the north and the south, and gentlemen will be endeavoring to prove that it is the only one which they have not disclaimed it! Now, if the gentleman from Massachusetts is right, and the reception of abolition petitions is the great question which supercedes all others—if northern gentlemen are to annoy us eternally on this subject—if all political and party differences are to be merged in one great issue of sectional feeling—the sooner we know it the better. For no matter what political differences may have existed amongst us heretofore, yet, my word for it, on this question the south will stand firm as one man—not for the purpose of offence, not for the purpose of aggression, but for the purpose of defending our rights. We are not to be intimidated by the threats of a lawless and insolent interference with our rights. And according to the position of the gentleman from Massachusetts, we are bound to consider the rescinding of this rule at this time, if not as a direct attack upon us, as a tacit sanction of the mad measures of those who have for years been endeavoring to excite the passions of the south for our wrongs, and to sharpen the knife of the assassin for our throats.

We know no party differences at the south on this subject. And if any portion or party in the north attempt to deprive us of our rights, they whig or they democrat, we shall regard them as our enemies, and deal with them as such. And, on the other hand, any man who attempts to deprive the south of her rights, or to change their constitutional duty, come to our relief on this question, we are bound, not only on the principle of gratitude, but of self-preservation, to consider them as friends, and to unite with them as such. And, sir, I will take this occasion to tender my sincere thanks, in the name of my state and of my constituents, to the gentleman from Vermont (Mr. SLADE) who voted with us on this question—of my constituents who voted with us of their faiths.

The course of northern gentlemen who have acted with us on this matter presents an instance of high moral sublimity—of noble self-sacrificing devotion. They are ready to lay down their lives for us, and to leave home, and yet, in discharge of a constitutional obligation, they have come to the relief of the unoffending south.

Mr. Speaker, let it be recollecting, we of the south did not commence this controversy. We wish no excitement on this subject; all we ask is to be let alone. We are not to be harassed by the north, and we are not to be harassed by the south. We are not to be harassed by the north, but the gentleman from Massachusetts (MR. ADAMS) and those who sustain him objected to this; they refuse to move one step; they refuse to organize this house

till they have triumphed over the feelings of southern men; and when we complain, they turn upon us with scorn and insult, and accuse us of agitation—agitation. We know our position here. Although we are but defending ourselves, yet we are taunted with creating excitement. I call upon this house and this country to witness that we of the south are not responsible for the consumption of time and excitement of feeling growing out of this discussion. *We know that we came here for a different purpose.—We knew that we came here for the purpose of trying to heal the sufferings, and to relieve the currency and arteries of the country.* I call upon the faintest of us with this delay are the ones who suffer, because they are diverted from the great purposes for which we assembled—who neglect the important interests of the country merely for the purpose of pandering to the prejudice and bigotry of those whose very element is mischief, and the success of whose schemes must inevitably result in disunion.

The 21st rule was not originally passed for the purpose of enabling the south to oppress the north, as contended by the gentleman from Massachusetts, in the fury of his temper and the wildness of his imagination, but it was passed for the purpose of defending the south against the north, who were then the theoretical philanthropy of a band of fanatics at the north, who are urged on and instigated by a few political discontents, who hate us and our institutions on account of some political policy. The gentleman from Massachusetts said the object of southern gentlemen, in voting for this rule, was to open themselves from the charge of abolitionism at home. Is this all the charity that gentleman has learnt in a life of nearly fifty years of public service? What right has he to impugn the motives of others? Who made him a judge of the hearts of men? By what authority does he condemn the motives of men who act under the sacred responsibility to their country and their race? He does! It is as illiberal and unkind in him to make the charge he does, as it would be in me to say that his motives, in pursuing the course that he does, is to create an insurrection among the slaves in the south.

The gentleman from Massachusetts says the reason why we are unwilling to give to our country the prayers of the abolitionists is, that conscience makes cowards of us all." Which is the most cowardly, to defend our rights on our own soil, or to take advantage of our position to assail with impunity the rights of others? According to the code which prevails in this land of "cowards," as the gentleman would call us, it is the greatest evidence of cowardice to stand by for any one to take advantage of age or station to cast his insults and denunciations upon his unoffending neighbors. "Cowards" as we may be, we have magnanimity enough to spare those who are shielded by their irresponsibility.

We of the south, I repeat, are not responsible for this discussion, and the excitement growing out of it; we were content with the rule of the last session; we were opposed to agitating the subject. But, sir, if the issue must be made, if the war must come, we are ready to meet you, if you will come out and take your position in a fair field. Do not send your missiles from your secret retreats, but come out boldly, and we are ready to meet you—first, in argument; and, after that is exhausted, we know by what we are to stand. Gentlemen may call this mere declamation—idle gasconade; I have no doubt they will; that is the usual answer that right and justice usually receive from the cold heartless wiles of arrogance and false reason. But, sir, we mean to stand by, and let us alone, to leave us unmolested in the enjoyment of our undoubted rights.

If you are resolved to force this issue upon us, I repeat again, for I for one am ready to meet it. There are others here who are ready to meet it—others whose voices have been so often raised in support of constitutional right—who have not yielded before attack at home, and who are not likely to yield to it from abroad. I was placed at the gallant banner in which the gentleman from Maryland, (Mr. JOHNSON), the gentleman from Virginia, (Mr. WISE), and the gentleman from Georgia, (Mr. KING), met this question at the threshold. They have given warning that they are ready to meet the enemies of our institutions on the ramparts. There are others here who are ready to stand by them. We have taken our position. We stand on the defensive. We plant ourselves on the platform of the constitution. We ask for nothing but the enjoyment of those constitutional rights and privileges guaranteed to us by the fathers of the republic. From this position we will not be driven. Gentlemen are mistaken if they suppose they are to crush us, and to trample our

that there is a moral power in being in the right, which will defy all their assaults. *Men, yes, they who know their rights, are not to be deterred from the exercise of those rights by a band of fanatics who are attempting to wield a rod of terror over this hall, and who, I am sorry to say, do exercise an influence incompatible with the dignity of this house, and the character of the members of it.* It is not because we fear the assaults of this seditious clan; it is not that we doubt our ability to protect ourselves against their machinations—that we are opposed to the reception of their abusive memorials! No, sir, it is because we do not choose—no, sir, we do not choose to be annoyed by this insolent interference with our course;—and because we believe further that it is calculated to sow the seeds of discussion and disunion throughout the land.

The gentleman from Massachusetts remarked that these incendiaries were actuated by the same principle as that depicted in the immortal language of the state of Virginia—which is a beautiful woman trampling on the neck of a tyrant, with the motto, *She never tyrannizes*. Yes, sir, and as long as Virginia remains true to that motto, she will deluge her borders in blood, sooner than suffer her rights and privileges to be trampled upon by the tyrant who attacks them. It is an unjust and unlawful interference with the rights of others. Why was George III denominated a "tyrant" in the Declaration of Independence? It was because he dared to infringe upon the rights of the colonies—rights which were guaranteed to the subjects of the British empire by the oaths of ages, and the laws of the realm. And whenever you, the north, attempt to encroach upon the constitutional privileges of us of the south, we shall regard you as attempting to play the part of tyrants, and we will treat you as such. We oppose to your assaults the same motto as the Virginia arms—*She never tyrannizes*—and we will stand by it to the death. If our rights, you will find, not a beautiful woman, for we do not call upon women to fight our battles, as your incendiaries do, but—men, yes, men with stout hearts and strong arms, trampling upon our feet, and your crown and sceptre trailing in the dust.

The gentleman from Maryland says the danger to the north, although this government might not disturb, in the first instance, the institution of slavery in the states of this union, yet it might interpose as the treaty-making power, in case of a servile insurrection, even to the extent of universal emancipation. This is the boldest ground I have ever heard advanced against most ardent abolitionists. Is such language as this to be proclaimed on this floor, and to be passed over without notice—especially when we consider the high source whence it comes? And are we to be charged with creating "agitation," when we rise to protest against it? When such language is used, we will speak our minds, and we will shout, and bid me hold my peace." Interpose as the treaty-making power? Between whom? Between the slaves and their masters? Does the gentleman from Massachusetts pretend to say that, in case of a servile insurrection, the slaves would maintain the position of an independent belligerent power? How can this be, when slaves are recognized as property in the constitution—virtually property, as much as our lands, and the stock that grazes them. How can this government constitutionally interfere for the purpose of securing political privileges to our slaves, when they are not recognized as citizens in our constitution? Is it to be said that we are to do whatever we please? Does he not see to what an absurdity this argument would lead him? Suppose the agrarian mobs in your northern cities were to raise in commotion, and attempt to appropriate to themselves the property of the wealthy, and the proceeds of the honest man's industry. Suppose they were to bid defiance to the laws, and to threaten to overthrow the authority of the local government, against which they might be in arms. Will it be pretended that this government might interpose in such case as the treaty-making power to the extent of satisfying the morbid desire of the lawless and revolutionary mob to obtain the property which they had taken by violence? Such argument is based upon the supposition that the constitution provides for enforcing a violation of its express provisions.

Mr. Speaker, the scene exhibited in this house for the last few days must be humiliating to every high minded American citizen, not only because it would reflect dishonor to result from it, but on account of the spectacle afforded by the gentleman from Massachusetts, (Mr. ARMS). Here is a man who has filled the highest office in this land of freedom

passion unbearing the ardor of youth, and scattering his denunciations with an unswerving hand against the very men, many of whose lives, as political martyrs, for their devotion to his cause. Here is a man who instead of attempting to uphold the institutions over which he once presided; instead of trying to cement that union, without which liberty itself is an abstraction, and has inflicted the blood-red flag of insurrection, and has ordered the slave to obliterate the brand of his servitude with his master's blood. He has virtually said to our slaves—and his declaration has gone abroad on the wings of the wind—if you wish the interposition of this government, you must first make the standard of revolt. He has virtually said to them, "If you are the slave of man, be the master of the slave; spread desolation and dismay throughout your land; apply to us with your hands reeking with slaughter, we can then interpose, and, for the purpose of restoring peace, we will come in as the treaty-making power, and will stipulate for your 'universal emancipation.' The spirits of the departed were allowed to revisit this world, such language would have been sufficient to exorcise from their graves the ghosts of our revolutionary fathers, and cause them to stalk in gloomy consternation through this hall. But, sir, they are gone, gone to enjoy the rewards of the faithful; the fruits of the virtue and patriotism of their names seem to have departed. But that I know any advice I might give the gentleman from Massachusetts would be treated with sullen contempt, I would advise him to curb his untamed temper. I would suggest to him that all the learning of the schools, all the experience of years, all the honors of station, in the absence of temper and discretion, without a due exercise of charity for the opinions and feelings of others, are but "as sounding brass and a tinkling cymbal." I would advise him to read again a poem which I presume he has forgotten the very foundation of his political faith. I mean Haley's "Triumphs of Temper," and especially these last four lines:

"Virtue 'as 'n apt of Peruvian gold,
Some the bright ore Potosi's mines unfold,
But virtue's image must that ore refine,
And stamp these precious ores with soaring wing."

Mr. Speaker I would make an appeal to our northern brethren here, but that I know the complaints of the injured are always treated with scorn by the oppressor. I would appeal to them, in the name of justice, not to attempt to rob us of our acknowledged rights. I would appeal to them, in the name of the Christian benevolence, to cease this warfare against their own brethren, the descendants of a common ancestry, the participants of one common inheritance of freedom. I would appeal to them, by the expended blood and treasure of our fathers, by the example which they set us, and the precepts which they taught us, not to destroy by faction, the work of their common hands. I would appeal to them, in the name of the constitution, not to overleap those barriers which the sages of past crested around the rights of the states. Above all, sir, I would appeal to them, in the name of this glorious union, without which I cannot conceive liberty except as an illality, which is the terror of tyrants, and which is identified with the hopes of freedom throughout the world—which imparts to the star-spangled banner its glory, and to the American citizen his port of noble bearing in every land—which is fast sending the blessings of free government to the millions of the Christian faith through the trackless forests that stretch towards the shores of the Pacific—by this union I would appeal to them, to arrest the progress of faction before it shall be too late to stop the march of fanaticism before it shall have undermined the very foundation of our political edifice. Sir, we are apt to undervalue those blessings to which we have been accustomed from childhood, and whose deprivations we have never felt. We never know the value of health till we are prostrated by sickness—we never appreciate the blessing of friendship till we are bereaved of its aid—or, as the poet beautifully expresses it—

"How blessings brighten as they take their flight."

And so it is with this happy union. We never shall know how to estimate its value until it shall be severed by discord and faction. We of the south love this union, because it secures to us our liberties; but we shall hate it in turn, when it is converted into an engine of tyranny. And when the cloud of civil war shall obscure the political horizon, and strife and discussion shall stalk through the land—when the pillars of this fair fabric of freedom shall begin to crumble, and the citadel of our national glory is toppling into ruin—when brothers' arms are raised against brothers' arms, and the

yes, and that the "race is not always to the swift, nor the battle to the strong." They will yet find

CHRONICLE.

ANTICA. The governor issued a proclamation on the 27th September, setting forth that in consequence of the alarming scarcity of provisions in the island, such stocks of provisions as are remaining in store shall not be exported from the island until further notice. We were almost in a similar state the other day, when five or six vessels arrived from America laden with provisions.

Philadelphia Globe, October 9.

BOSTON. Coasting trade. It is to be regretted that there are no official reports which show the amount of the coasting trade. That of the city of Boston has been for many years rapidly increasing, in a greater ratio than stocks of provisions. According to a statement in yesterday's *Transcript*, it appears that the import of cotton at this port, from the 1st Oct. 1810 to 1st Oct. 1841, amounted to 141,592 bales, of which 101,264 bales were shipped to cotton manufacturers or their agents. The import of last year was 117,294 bales, and of 1850, 104,263.

BANK ITEMS. The official return of the quarterly averages of liabilities and assets of the Bank of England from July 20 to October 12, was, circulation, 217,592,000; deposits, 47,529,000; securities, 423,428,000; balance, 4,173,000; being an increase compared with the corresponding quarter of £111,000 in the circulation, and a diminution of £523,000 in the deposits, of £139,000 in the securities, and £262,000 in the balance.

Mr. JAMES, in behalf of the Bank of the U. States, has been authorized to issue \$1,000,000 of currency, contracted at Paris 26th December, 1839, that the United States Bank of Pennsylvania will not be able to reimburse the half of that loan payable according to contract on 15th October. He therefore asks Congress to authorize any law, making bonds of 45,000, or 1 percent on the amount payable. Security for this amount, in the shape of debentures withdrawn from circulation, were deposited with Messrs. Rothchild, and as the creditors have no option in the matter, the offer would doubtless be accepted.

The Richmond Express says: "We understand that, in the case of the Bank of the United States against St. Nicholas and its alleged associates, (Col. Andrew Berne), in the court of Rockingham county, before Judge Smith, judgment has gone in favor of the defendant. The suit in question was very large."

There was a report that the presidents of the different banks in New Orleans on the 1st instant, the subject of which is stated to be to consider the subject of a resumption, and to bring about, if possible, such an event.

A correspondence has passed between a convention organized by public meetings of the citizens and the officers of the banks of the city of Baltimore, with a view to the resumption of the bank, to receive the orders of Baltimore and Ohio rail road orders, of which about \$1,500,000 are in circulation and which constitutes all the entire currency under five dollars, of the Maryland community. They have been gradually increasing in current value until Wednesday the brokers asked 11 per cent. to exchange banknote paper for them. The bank-brokers declined to receive them. During the evening the following extract of the condition of the Maryland banks was elicited:

Table of circulation and specie of banks in Baltimore.			
CIRCULATION.			
Dates.	\$10 & qdr.	Total.	Specie.
January 4, 1836.	1,005,913	\$5,209,703	85,270 60
1st 1837.	1,012,275	\$5,099,206	75,751 42
May 1, 1837.	not given	1,715,710	516,912 50
1st 1838.	1,035,350	5,250,000	85,270 60
July 1, 1838.	1,219,717	5,110,885	50
January 6, 1840.	1,115,070	6,322,198	508,123 69
4, 1841.	805,856	3,814,956	231,263 76

The Jacksonville bank of Florida has resumed specie payments and is now issuing its notes in gold and silver. It has also, made arrangements for the redemption of its notes in New York, at one and a half per cent. discount.

COTTON MARKET. A number of items of interest will be found under our foreign articles.

Cotton in Georgia. Towards the close of last month the cotton market experienced a decline, but since the arrival of the overland mail, prices have improved and purchases have been made on an extensive scale. The Georgia cotton is highly valuable, favorable accounts of the weather having been received from all districts.

Texas cotton. The honorable A. Hutchinson, in a letter to his excellency, Mr. B. Lamar, president of Texas, describing the growth of cotton from the western part of Texas, which has been placed to form the silk cotton, owing to its superior fineness and whiteness. It is said to be of luxuriant growth, and is generally raised as early as the 1st of September. It is said, as well as our own observation, that the cotton crop of that section of Georgia will yield at least one third more than any crop within ten years past; in fact, that the present crop is by far the best ever known in that country.

The cotton crop. We press, in our paper, through the courtesy of Dr. Early, Lieut. Randolph, Stewart, Sumpter, Meach, Dufer, Palske, &c. and we take pleasure in stating that authority of our numerous individuals, as well as our own observation, that the cotton crop of that section of Georgia will yield at least one third more than any crop within ten years past; in fact, that the present crop is by far the best ever known in that country.

It would make fifteen times to the land this season. Any person who in the U. S. is disposed to doubt this statement can

be furnished with names, testifying to its authenticity, by calling on us. *Sanderson (S. C.) Telescope.*

WISCONSIN COTTON. The common ancestor of all this country who bear that name, came from Brixton, county of Derbyshire, England, in the year 1642, settled at Salebury, and thence removed in 1662 to Nantucket, where he died October 2, 1631—one hundred and sixty years ago. In the year 1691 his descendants were estimated at 740; in 1722, at 1,580; and in 1827—105 years—about 10,000. He left a family of 100 persons, of whom, at least, were inhabitants of Nantucket, "the nucleus of the Coffin family."

DEATHS. Amongst the deaths of which we have received accounts during the week, was that of Capt. S. B. Griffing, master of the N. Y. packet ship Montreal, who was found dead on the deck of the boat, lying in St. Katherine's dock, supposed to be occasioned by an asthmatic disease to which he was subject.

At Washington, on the 6th inst. Thomas Dungan, esp. of the treasury department, aged about 65 years.

ENTRONS. Queen Victoria has no surplus with regard to the question of office to high station of honor. Immediately after the late political struggle, she conferred a baronetcy on John Easthope, esp. the able and distinguished conductor of the London Morning Chronicle, and a baronetcy on liberal politician in England.

ELECTIONS. The Massachusetts election took place on the 7th instant. We have sufficient of the returns to ascertain that Governor DAVIS, (Whig), is re-elected by a considerable majority—and that there will be a Whig majority in each branch of the legislature. The full returns are not made in Baltimore on 20th and on 21st.

The Michigan election took place on the 3d instant, and has resulted in a decided Van Buren victory. The Van Buren candidate for governor will have a large majority, and each branch of the legislature will have a majority of Van Buren members.

Kentucky. The special election for a representative from Henry county, results in the choice of Elijah H. Nutt, esp. Van Buren, by about 150 majority over his Whig opponent.

In Nelson, Mr. Wickliffe, who has been elected over Mr. Howell, also a Whig, by 2 or 300 votes, in place of J. P. Hardin, esp. resigned.

EXCHANGE. London, the 9th October.

Amsterdam, 3m. 12 1/4	forins and stivers for "11 stg.
Antwerp, 3m. 12 1/4	do do do do do
Hamburg 13 1/2	marks & s. banen "11 stg.
Paris 25 1/2	francs & cents "11 stg.
Lisbon, 60 ds. 25 1/2	pesetas and milreis "11 stg.
Genoa, 3m. 25 1/2	lire and cents "11 stg.
Leghorn, 3m. 25 1/2	lire "11 stg.

FLOUR. The information by the steamers from England has had the effect to improve the prices of flour very slightly. Tuesday before receiving the new sales were made in Baltimore at 55 1/2 and on 20th at \$5 81 and 55 71. The inspections of last week amounted to 13 180 barrels and 695 half barrels.

Liverpool, Oct. 15. The duty upon foreign wheat has been raised to 20s. per quarter, or 3s. per quarter, on flour to 12s. 5d. per barrel, and upon all other foreign grain is increased one step over the rates payable in the week ending yesterday. The import on English colonial wheat is 300,000 bushels, and on flour 35,000 barrels.

Liverpool, Oct. 20. The stocks of foreign wheat and flour, which were liberated here on and since the 23d of September, have gone rapidly into consumption, and we have now no great choice of samples of either; still prices have not advanced more than 1s. per barrel, and only the former and about 3s. per barrel on the latter since the 1st instant.

The crops continue very firm as the secondary quality and inferior condition of a part of the crops, and the very damp state of a great part of the Irish, with the well ascertained deficiency in the yield, will go far towards speedily clearing off stocks of old, and render a large importation not only necessary, but also in the coming year, as supplies can be made available.

ROBERT MAKIN & SONS. A correspondent of the New York American writes from London, Oct. 10th.

The corn market has been tending upwards, owing partly to the advance in duty on foreign corn, and to the reports of injury to the remainder of the crops in Ireland.

Flour is now selling at 35s. 6d. 31s. per barrel. There were 80,883 barrels flour and 41,893 bushels wheat delivered from the Erie canal during the first week in November.

MR. SECRETARY FORSTAY. We have heard two characters of this department since the 1st. That he has been pronounced by British diplomatists to have been the only public man in his administration on whose word the slightest reliance could be placed. 2d. That he was the best man in the Union, and that England had sent the worst tempered man to the United States (the present ambassador) to be in daily communion with him. *(Toronto Patriot.)*

Wool. Large supplies of live wools are arriving at our markets—prices range in Baltimore from 31 1/2 to 33 1/2 per 100 pounds. Furk by wagon 55 75.

HERBERT LAMERS. When President Tyler's proclamation from the city of England, it gave the best of news—merriment and panic markets quite a fast of things. They

have 55,000 members of Hanter's lodges enlisted and organized for us. The London Morning Herald of the 24th October, insists that an extensive league has been formed in the United States, for the purpose of invading and robbing Canada, and murdering its inhabitants; that it is headed over by Col. Johnson, vice president under Mr. Van Buren, and a Mr. Scott, nephew to the recently assassinated president of the United States army, that the grand eagle of these lodges is Mr. Caleb Cushing, the chairman of the committee of the house of representatives on foreign relations, a gentleman who was appointed to that responsible position in consequence of his concurrence in the general views of Mr. Tyler's cabinet—a position too, which necessarily procured a degree of confidence from the secretary of state, so that Mr. Cushing may, in a qualified, convert that confidence into a tool for carrying out the secured and diabolical schemes of his alleged confederates.

Among others charged with being engaged in these lodges, are the names of Mr. Smith, of St. Albans, Gov. Fairbank of Maine, Gov. Briggs of Michigan, and I. Gov. Bradish of New York. No wonder was seemed inevitable.

The verified London Journal, after making these fearful disclosures, proceeds to read the president's lecture as to what he must do in the exigency; which will, no doubt, have all due weight whenever the contingency in question shall arrive, meantime we must all feel grateful for such timely disclosures.

NEW ORLEANS. The New Orleans Bee of the 3d inst. announces that the yellow fever has disappeared. The reports of the board of health may show now and then an isolated case of death from this cause; but as an epidemic, or even as a source of danger to the new corner, its terrors have departed.

PRESIDENTIAL CONVENTION. A correspondent in the St. Louis Globe says the holding a national convention of the Van Buren party, in Baltimore, on the first Monday in November, 1842, for the twofold object of nominating a president and vice president and taking into consideration the expediency of a radical reform in the entire banking system.

PRINTERS IN LONDON. There are at present in London 1200 unemployed compositors and pressmen; many of them with large families, and in a state of absolute starvation. This present calamity is caused by the depressed state of the book-selling and publishing trade, by the little business done by parliament, and by the substitution of mechanical power for human labor.

(London Times.)

STREET. According to a table published in the New York Express of Saturday, the export of specie from the 1st to the 27th of October, amounted to \$1,263,181, of which \$1,125,032 was silver, and \$134,129 gold.

Mexican dollars are quoted in New York at 24 fl. The value of the dollar is 20 cents. The exports of Philadelphia last week, shipped between sixty and one hundred thousand dollars in specie to New York. Large sums have also lately been drawn from St. Louis, (Missouri). These shipments, from points so remote, indicate the important character of the foreign demand for coin, and is equally demonstrative of the minute nature of the trade in which the country is engaged.

STOCKS. London Oct. 20th. American stocks remain without any improvement, and indeed the apprehensions concerning them have increased. Some New York state stocks have been sold at 72 to 75 per cent. Ohio is offered at 85 per cent. Louisiana at 72 per cent. United States bank shares find buyers at 11 25 to 64.

Sales at New York on the 18th inst., 5000 New York state bonds at 85, 3000 Ohio stocks of 36, 90, 1000 Kentucky state bonds at 100, 1000 Tennessee at 90, 4000 United States dollar bonds at 12 1/2, 3000 do. do. at 100, U. S. Bank 43. Bucknell's Reporter says that the money circles in Philadelphia last week were somewhat feverish, although the important character of the foreign demand for coin on first rate paper. Several of our banks declined semi-annual dividends. In no instance was higher than nine per cent. declared, while the Guard, in order to meet the demand for the foreign demand for coin, sold its stock at 100, and the City at 100. The United States has gone down to almost nothing, having in several instances sold as low as 35. The Bank of Pennsylvania is quoted at 200 to 250, and the Bank of Philadelphia at 60 to 60—or 40 per cent. below par. The truth is, we are in a way in Pennsylvania, with regard to money and bank matters.

Toronto. London, October 20. Some parcels of very low Virginia have changed hands at 2 1/2 to 2 1/4 per lb. but the market is generally kept from the market; there is, however, little disposition to purchase, and the market can hardly be said to have opened as yet.

In our market, the following former quotations—receipts at Baltimore, light. Inspectors of the last week 470 lbs. Maryland, 77 Ohio, 10 Virginia and 2 stems total 560.

Where advanced in prices in Baltimore, on receipt of the following: 100 lbs. Maryland red, to 81 25 to 82; Pennsylvania 1 1/2; prime Illinois red (via New York) 81 33.

NILES' NATIONAL REGISTER.

FIFTH SERIES.—No. 12.—VOL. XI.]

BALTIMORE, NOVEMBER 20, 1841.

[VOL. LXI.—WHOLE No. 1,573.

THE PAST—THE PRESENT—FOR THE FUTURE.

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CHRONICLE.

FOREIGN ARTICLES.

TEXAS.

The Austin Sentinel of Sept. 30, gives an account of a Mexican foray made in Kinlego county and on San Patricio, about the 15th of September.

SOCIETY. It appears that Shelby co. (Texas) is divided into two violent parties, termed Regulators and Moderators. The former are two to one, and a history of bloody fights have occurred. After giving a history of the party and some of their deeds, the San Augustine Register of the 21st ult. adds: "While in this state of party organization, several persons were killed and wounded on each side among them some valuable citizens, and some whose lives were especially sought, as offenders against the laws. The colonel commandant of the militia of San Augustine county has received orders to draft two hundred men to quell the traitorous factions."

By the arrival of the United States revenue cutter Jackson, Lieutenant Grover, from Galveston, late intelligence has been received from Texas and the Santa Fe expedition. The cutter left Galveston on the 31st October. At the time of her departure, the Texian navy, consisting of the sloop of war *Justin*, and the brig *Archer*, by *Hartson* and *Zavala*, were fitting out for an expedition against Mexico to be carried on in concert with the government of Yucatan. We shall probably soon hear of the two parties having come to blows.

The news of the safe arrival of the Santa Fe expedition received per Galveston papers of the 26th ult. will be gratifying to the citizens of New Orleans, several of whom have friends and relatives engaged in that enterprise. The *Galvestonian* says that the commissioners and volunteers had been cordially received by the citizens of Santa Fe. The trade in that place was brisk and tranquillity prevailed.

[W. O. Be.

MEXICO.

The schooner *Waterwheel*, Capt. Arnous, which arrived from Vera Cruz, brings confirmation of the intelligence published by us a few days since.

ANOTHER REVOLUTION IS EFFECTED. Santa Ana is at the head of the government, and Bustamante has, probably, by this time, left for Europe. It appears that a convention has been held in the city of Mexico, and had deposed Bustamante and given supreme power to Santa Ana in his stead. The New Orleans Bee says: We have no doubt the convention acted upon the principle of supporting the strongest party, and it is altogether likely that had Bustamante vanquished Santa Ana, he would have retired from the convention those marks of favor which are now extended to his rival. Success renders most things lawful. Still the convention appears to have acted

with some discretion in appointing Santa Ana president pro tem. only—at least, so say some of the letters we have seen, though others state that he was simply proclaimed president. Whatever be the title given to this crafty intriguer, there is little question he will manage to retain it and its substantial power, as much as he possibly can.

Much is said of the important reformations to be established by the new government. The change of administration is complete. Tornel has been chosen minister of war, Gomez Pedraza, secretary of the navy, Castillon minister of the interior, and Garcia, minister of finance.

CENTRAL AMERICA.

Honduras papers to the 2d ultimo, contain an account of an attempt to assassinate Gen. CARRERA, the virtual head of affairs in Central America, by a player named Chepillo ANDREA. CARRERA was slightly wounded; but drew his sword and sabred the assassin on the spot. A political farce has been played off in offering the presidential chair to CARRERA, by whom it was refused. It has been accepted by senior VIVANCIO LOPEZ, a lawyer.

NATIONAL AFFAIRS.

APPOINTMENT BY THE PRESIDENT.

CHARLES DAVIES, late professor of mathematics in the military academy at West Point, to be a paymaster in the army, in the place of major Donald Fraser, resigned.

CONSULS.

The president has recognised James B. Behen as consul for Hanover, and Charles Christian Hohenberger for Austria, both for the port of New Orleans.

MINISTER TO CENTRAL AMERICA.

General Murphy of Ohio, who has been appointed by the president, minister extraordinary to Central America, sailed for his destination, on Tuesday, from New York, in the brig Florida Blanca, bound to Balize.

PRESIDENT TYLER AND HIS NEIGHBORS.

CORRESPONDENCE.

To his excellency John Tyler, president of the United States.

SIR: Your friends and old constituents in New Kent, beg to avail themselves of your visit to their county, to tender you a public dinner to be given at New Kent court house, on any day that it may be your pleasure to name, as a manifestation of their long cherished love and respect for you, both as a man and politician, which, they trust to be pardoned for saying, have been greatly enhanced by the firmness of purpose and devotion to principle, which you have recently exhibited under circumstances of a greatly embarrassing nature.

We hope, sir, that it may suit your convenience, and be entirely compatible with your views of propriety, to accept this invitation, and we flatter ourselves that we can give you a reception at a festive board in old New Kent, that will in some measure, we trust, compensate you for the incentive you have received at the hands of another portion of your old constituents.

With wishes for your long continued health and happiness, subscribe ourselves, truly, your personal and political friends.

ED. G. CRUMP,
GEORGE WILLIAMSON,
JOHN G. CRUMP,
W. R. C. DOUGLAS,
CHESTLEY JONES,

Committee.

Color Hill, New Kent county, Nov. 8.

GENTLEMEN: Few things would afford me more pleasure than to meet my friends and old constituents of this county at the festive board, in pursuance of your polite invitation; but the necessity which exists for my speedy return to the seat of government, prevents me from my power to do so. I can, however, do no less than return to you, and those you represent, my grateful thanks, for the kind sentiments of regard

and confidence, which you have been pleased to express towards me. Still I am justified by the people of this ancient county, in the declaration, that, when as long ago as twenty-five years, they did me the honor to confer their almost unanimous suffrages upon me, as their representative in congress, the political principles which I then avowed, have been the same, which, since my accession to the presidency, I have dared to vindicate and maintain, at the expense of the bitterest denunciations which have heretofore assailed a public functionary.

The same opinions as to the power of congress to charter a national bank, which I then avowed in the presence of your fathers, and of many who still survive among you, and which, as your representative, I strenuously urged in 1819, are still maintained with abiding and undiminished conviction. I was then sustained by the people of this district, with almost entire unanimity, and I therefore take leave to say, that if any of them are converts to new opinions, they might, at least, have granted to me, as the chief magistrate, the right of oath to support the constitution, the benefits of the new light of reason which have been shed upon them, before they parted with others, in a spirit of unqualified denunciation. What would they have me to do? Would they have me sacrifice the consistency of my past life, for party ends? Or, what is of far more importance, both morally and politically, would they require of the chief magistrate of this glorious union, to surrender all claim to their respect, by violating his oath of office, in order gratify the mobocracy of party? If they would have so great a sacrifice, then I am proud to say, they will not receive it at my hands. I censure no man for his opinion on this or any other subject—but while I award to him the right to think for himself, should he not exempt me from his denunciations because I cannot think as he does?

I beg you to be assured, gentlemen, that the invectives to which I have been subjected, have in no degree, disturbed my equanimity. Amid the torrents of abuse, no matter by what motives dictated, which have been uttered against me, "my pulse has kept as healthful music as if no such thing had occurred." The light reflected from burning engines has only served to render the path of duty more plain. In that path I shall walk, my confidence being placed in the patriotism, discernment and intelligence of the American people, whose interests are always best sustained by a firm observance of constitutional requirements.

I tender to you, individually, assurances of great personal regard. JOHN TYLER.
To Edward G. Crump, George Williamson, John G. Crump, W. R. C. Douglas and Chestley Jones, committee.

SINGULAR CIRCUMSTANCE.

The National Intelligencer says: We recently announced the appointment of Judge A. S. Ford, of New Orleans, to be judge of the United States for the district of Louisiana, in the place of Theodore H. McCaleb, deceased.

As extraordinary impositions appear to have been, in this matter, practised on the president, as it appears from the last New Orleans papers that Judge McCaleb is not only alive but has not been sick—of course Mr. Crump's appointment is a nullity.—The New Orleans Bulletin of the 2d instant says:

"The most astounding announcement of the day has been that officially given out in Washington, to the successor to Judge McCaleb, of this district, on account of his decease. Our citizens do not need to be informed that the judge is not only alive but in good health. There is a mystery in this matter that requires unravelling."

The Madisonian, professing to derive information from the highest source, states the facts to be— "That the secretary of state received positive assurances of the fact of Judge McCaleb's death, from a gentleman of the highest character;

"That in consequence of this positively asserted death, another person was thereupon recommended to fill the vacancy;

"That the immediate appointment of a successor was urged, on the ground, that, as the recently appointed marshal could only qualify to his commission before the district judge, the instructions which had emanated from the state department and the solicitor

of the treasury could not be executed, until a successor to Judge McCall was appointed; and the great hazard was said to be incurred in the completion of the census of the district, (by the 1st of December); which, failing, the state of Louisiana might be deprived of her just rights, for ten years to come, in the congressional representation."

"Upon this representation of facts and reasons, the president, as was obviously most proper, supplied the supposed vacancy by the appointment of Mr. Crawford."

"Mr. Crawford was of course no applicant for the office; but the state department possessed strong evidence of his qualification for a judicial station, and the president promptly appointed him."

"To add to the facts, and the facts and circumstances of this painful and untoward case; reflecting no discredit upon the president for want of foresight, but lasting reproach upon those who have thus made a mockery of death! when death within the passing year has caused so many to mourn!"

SPECIAL ELECTION. Messrs. Banks and Smith have both resigned their pretensions to a seat in the house of representatives from the Spotsylvania district. Mr. Banks was returned by a free vote, and Mr. Smith contested his seat at the last session. The acting governor of Virginia has since appeared indicating that JAMES Q. ADAMS will decline to be a candidate for re-election to the house of representatives after the present term.

CONGRESSMEN.—RUMORS OF RESIGNATION. &c. Without having any thing official upon the subject, various publications have appeared indicating that JAMES Q. ADAMS will decline to be a candidate for re-election to the house of representatives after the present term.

The New York Tribune says: "It is now morally certain that the hon. HENRY CLAY will feel constrained, by the state of public opinion, which is impaired by his intense labors and anxiety at the extra session, to tender his resignation upon the assembling of the Kentucky legislature, with a view of spending the winter in a more southern climate. Mr. CLAY is expected to spend the winter in Cuba or some other of the West India islands. If the fervent aspirations of our countrymen could be realized, it would be a pity we were not that the service of this peerless statesman would not soon be lost to his country."

The Express says that Mr. CLAY's particular friends in New York profess to be ignorant of the intention attributed to him.

The National Intelligencer adds, "that the report has not reached this city by any authentic source, so far as we have heard."

The Baltimore American of yesterday says, "the rumor of the intended resignation of this distinguished statesman is probably unfounded. We have seen a letter from Mr. Clay to a gentleman of this city, of the date of the 11th instant, in which no allusion is made to any intention of resigning his seat in the U. S. senate.—It is altogether likely that if any such cause of retirement had existed, or any such purpose been entertained, some reference to both would have occurred in the letter. We have reason to believe that the patriotic services of this country's ablest friend will not soon be withdrawn from the public councils of the nation."

A report similar to the above is also contained in several journals, that Mr. CLAY, of Alabama will be induced by the state of his health to resign his seat in the senate.

Mr. Dawson of Georgia, it is stated, intends resigning his seat in the house of representatives.

THE CAROLINE AFFAIR. We extract the following from the Toronto Herald: "A CARD.—Sir Allen McNab requests all persons who are directly concerned in the capture and detention of the privateer cutter "Caroline" will forward to him, at Dandurth with the least possible delay, their address, place of residence, profession or calling, and age; and if they had suffered any loss in consequence of their share in that exploit, to be good enough to state the same; and also to furnish any other particulars they may desire to communicate relating thereto."

October 29, 1841.

THE GROGAN AFFAIR. The Montreal Gazette says: "We understand that in pursuance of the directions of Sir Richard Jackson, the administrator of the government, and commander of the forces, a court martial was lately held at New Rochelle, an officer, Colonel Dyer's corps, for participating in the capture of Grozan, in the territories of the United States, and that having pleaded guilty, and after addressing the court, in mitigation of punishment, he was sentenced to be discharged from the corps."

SUIT AGAINST COLLECTOR HOYT. The New York Express states that in the year 1839 Mr. Hoyt, the late collector of the port of New York, caused the flight of a number of foreigners for alleged frauds on the revenue, and subsequently suffered them to return, on the payment of what we denominated, then and now, "hush money." We then believed, and asserted in our columns, that there was no ground for the extension of the exemption, and we understand that evidence of the correctness of this opinion has been fully substantiated. There were then mercantile houses who refused to compromise or to leave the country; and they were held to bail, by Mr. Hoyt, in such various sums as suited the caprice of the revenue collector, acting upon the advice of the then district attorney, to judge the authorities in Washington. The destruction of their business followed this attempt to destroy their good name; but they steadfastly refused to compromise. We understand that, failing to exact money, the United States have discontinued these suits; and that one of the houses, through their counsel Messrs. Dutcher, Reynolds, and Platt, have held Mr. Hoyt to bail, in the sum of thirty thousand dollars, to answer for his conduct."

DIPLOMATIC CORRESPONDENCE, between Lord PALMERSTON the retiring minister of foreign affairs, and Mr. STEVENSON the retiring American minister in London, relative to the dormant question of the "right of search" which was the main point of dispute that led to the last war between the two countries, was conducted no doubt with the utmost talents of each of those statesmen, with a view of vindicating the rights of the one country and the pretensions which are resorted to to justify the measures of the other. It is a delicate and exceedingly important topic, but susceptible without doubt, of amicable adjustment by a treaty, in which mutual arrangements may be made to effect an object not less desirable in one country than the other, and yet by which no national right shall be compromised. The responsibilities of preserving harmony will be more deeply imposed upon those who are about to assume, than upon those who are leaving official stations to their respective political opponents, and it is fervently to be hoped that they may bring conciliatory dispositions with them to the consideration of the subject.

A previous correspondence had between Lord Palmerston and Mr. Stevenson on this same subject will be found below.

THE RIGHT OF SEARCH.—SUPPRESSION OF THE SLAVE TRADE.

THE UNITED STATES. The following are extracts from correspondence with foreign powers, not parties to conventions giving right of searching vessels suspected of slave trade, recently presented to both houses of parliament by command of her majesty: MR. STEVENSON TO VISCOUNT PALMERSTON. 32 CRYSTAL GARDEN, NEW YORK, Nov. 13, 1840.

(Received November 14.)

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has been instructed by his government to transmit to Lord Palmerston, her majesty's principal secretary of state for foreign affairs, the accompanying papers, containing the evidence of another unsatisfactory search, of detention and ill usage of an American vessel and her crew, on the coast of Africa, by one of her majesty's cruisers, employed for the suppression of the slave trade, and which, in the opinion of the president, forms a proper subject for complaint and satisfactory redress.

The following are the prominent facts of the case. The American brig Douglas, of Duxbury, Massachusetts, of 200 tons burthen, and commanded by Alvin Baker, master, and Wm. Arnold, mate, sailed from Havana on the 5th August, 1839, laden with a cargo of merchandise, and having sundry passengers on board, sailed for the port of the river which was then under the command of the American vessel.

That on the 31st of October, this brig, whilst pursuing her voyage, was boarded by Lieutenant Segram from her majesty's brigantine cruiser, the Terwagant, with some of crew, who proceeded forthwith to overhaul the ship's papers and passengers' papers, ordered the hatches, which were closed, to be broken open, and the cargo, which was then lying, to be hauled down, and the vessel seized as a slave.

That the captain's papers and log book were then demanded, and taken on board the Terwagant, and

the Douglas committed to the charge of a master and crew, from the British cruiser, who immediately ordered the vessel to be restored and proceeded to sea.

At 6 o'clock, P. M. ten men were sent on board with arms and provisions, and the passengers taken to the Terwagant, and both vessels then made sail and stood to the westward.

That on the 23d of October, about daylight, the Terwagant came alongside the Douglas, with the purser and one of her passengers, for stores and provisions, and then returned to the cruiser.

That from the 21st to the 26th October, the American brig continued in charge of her cruiser, when they parted, and lost sight of each other, the brig, however, still continuing in possession of the officer and crew of the Terwagant.

That on the 29th, and to the westward of Popoe, on the African coast, the Terwagant again appeared alongside the Douglas, and here to; sent the supercargo and purser on board, ordered Captain Baker on board the cruiser, and Lieutenant Segram then delivered him his papers, with permission to proceed on his voyage.

The passengers were also permitted to return to the Douglas, and the Terwagant having taken her prize crew and officer on board, the Douglas, made sail for the river Braz.

That on the 6th November, the Douglas anchored in the Nym, a river on the African coast, which she left on the 14th of December, and proceeded in ballast to Curacao, where she arrived on the 23d Jan. 1840.

That on the 6th February, she sailed from Curacao with a cargo of salt for the Havana, which she reached on the 21st of that month.

That in the passage from the pestilential coast of Africa to Curacao, the Douglas lost three of her crew, two American seamen, viz: Hamilton Day, of Providence, and Andrew Clough, of Boston, and Frederick Walton, a British subject, who were taken ill and died.

That the Douglas, at the time of her sailing from the Havana, was light, staunch and strong, had her hatches well caulked and covered, and was well and sufficiently manned, and provided with all things needful for her voyage, and was in that state when she was boarded and literally captured by the British cruisers.

That the facts detailed in the protest of the captain and mate, herewith transmitted, and which, it is presumed, can leave no doubt as to the unprovoked and flagrant character of the proceeding, or the reparation due to the rights of the United States, and the honor of their flag.

In presenting the subject to the notice of her majesty's government, it cannot be useful that the undersigned should do more than refer Lord Palmerston to the correspondence which has heretofore taken place between the two governments, and more especially to the three notes which the undersigned had the honor of addressing to his lordship under date of the 11th, 12th, and 13th of August last, and to express the painful regret which the government of the United States feels that the remonstrances which have been heretofore made should have proved unavailing in preventing the repetition of such abuses as those which have so repeatedly been made the subject of complaint against her majesty's naval officers.

Her majesty's government cannot be insensible of the strong desire which the government of the United States, and the nation at large, feel in the complete annihilation of the African slave trade.

The course pursued for the last 30 years is best calculated to mark the feelings and opinions of the government of the United States, in relation to a traffic now properly regarded by most civilized nations as alike repugnant to justice and humanity, and which, in relation to the U. States, is not the less so to all the dictates of a sound policy.

It is true that the American government have declined to become a party in any of the other arrangements for the suppression of the slave trade. Although repeatedly urged by her majesty's government to do so, the United States has been forced to decline all conventional arrangements by which the officers of ships of war of either country should have the right to board, search, or capture, or carry into foreign ports for adjudication, the crews of such other ships engaged in the slave trade. Indeed, it may be well doubted, apart from other considerations, whether the constitutional powers of the American government would be competent to carry into effect those portions of the existing system so indispensably necessary to give it the character of just reciprocity. The government of the United States have been repeatedly and frankly made known to her majesty's government, and are doubtless well understood by the British cabinet; and the more especially so, as it was an obstacle proceeding from the

same principle which it is presumed prevented Great Britain herself from becoming formally a party to the holy alliance. It will not, however, be understood that the United States have been insensible to the friendly spirit of confidence with which these applications have been made on the part of her majesty's government, or that the United States have ceased to maintain a strong and decided solicitude for the course of the traffic, which has distinguished them from the course of their policy. On the contrary, having been the first to abolish, within the extent of their authority, the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves, and by punishing their own citizens for participating in the traffic; and having, moreover, taken the steps which it deemed proper to prevent the abuse of their flag by the subjects of other powers, the government of the United States cannot but feel sincere gratification at the progress made, by the efforts of other nations, for the general extinction of this odious traffic, and, consequently, the undiminished solicitude to give the fullest efficacy to their own laws and regulations on the subject.

They cannot, however, consent that the provisions of the treaties in force between Great Britain and other powers for its abolition, and to which they are a party, should be operated upon by the commerce and citizens of the United States. It cannot but be apparent to her majesty's government that these treaties are of a nature which cannot, and ought not, to be applied to the United States, under any restrictions or modifications whatever, and the more means of carrying out these measures of maritime policy and surveillance which form the basis of these treaties are so indispensably necessary to their execution.

In withholding its assent, therefore, from the existing system, and abstaining from all conventional arrangements yielding the right of search to the armed vessels and cruisers of each other, her majesty's government must be sensible that the United States have been influenced alone by considerations arising out of the character of their institutions and policy, and that having taken the measures which it deemed expedient and proper in relation to this subject, the government of the United States can only leave to other nations to pursue for the basis of their policy, their judgment or policy may dictate, and in relation to which the United States certainly can have no disposition to interfere.

The undersigned has therefore been instructed, in pursuance of this course, to Lord Palmerston's note, again in the most earnest manner to assure his lordship that these continued violations of the flag of the United States, and unprovoked wrongs inflicted by British cruisers upon the rights and property of its citizens, under whatever color or pretext, cannot longer be permitted by the government of the United States; and that he is accordingly been instructed to express to his lordship the confident expectation of the president of the United States, that the undersigned's government will not only at once recognize the propriety and justice of making prompt retribution for the unwarrantable conduct of Lieut. Segrain in efficient naval force, but that it will take suitable and efficient measures to prevent the future occurrence of all such abuses, involving, as the future occurrence of great private wrong and consequent injury to property and life, but calculated to intercept that harmony, which it is for the advantage, and it is no doubt the desire of both governments to preserve.

The undersigned prays Lord Palmerston to accept assurances of his distinguished consideration.

A. STEVENSON.

The right hon. Viscount Palmerston, G. C. B.

[Copies of the protest and charter party accompanied the despatch].

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VISCOUNT PALMERSTON TO MR. STEVENSON.

Foreign office, 19th Nov. 1840.
The undersigned, her majesty's principal secretary of state for foreign affairs, has received the note which Mr. Stevenson, envoy extraordinary and minister plenipotentiary from the United States, addressed to him on the 13th inst. complaining, on the part of the United States government, of the conduct of Lieut. Segrain, of her majesty's brigantine Tergant, in having detained the United States brig Douglas.

The undersigned has to assure Mr. Stevenson that her majesty's government will at all times be desirous of repressing and preventing any violation of the flag of the United States by officers of the British navy.

Previously to the receipt of Mr. Stevenson's note of the 13th inst., had, on receiving from Lieutenant Segrain an account of the transaction referred to, called upon that officer to explain more fully and

particularly the ground upon which he had considered himself justified in detaining a ship under American colors, and with papers showing her to be American property.

Her majesty's government have now directed a prompt and searching inquiry to be made into the facts of the case, as stated in Mr. Stevenson's note and the undersigned will not fail to communicate the result of the inquiry to Mr. Stevenson as soon as her majesty's government shall have learned the result of the inquiries instituted.

PALMERSTON.

A. STEVENSON, esq., &c.

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MR. STEVENSON TO VISCOUNT PALMERSTON.

32, Upper Grosvenor-street, Nov. 20, 1840.

(Received November 20.)

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor to acknowledge the receipt of the note which Lord Palmerston, her majesty's principal secretary of state for foreign affairs, addressed to him yesterday, in reply to that of the undersigned of the 13th inst., complaining of the conduct of Lieut. Segrain, of her majesty's brigantine Tergant, in relation to the American brig Douglas, of the coast of Africa, and will take the earliest opportunity of transmitting it for the information of his government.

The undersigned derives, in the meantime, much satisfaction from the prompt and friendly assistance furnished by her majesty's government, in the receipt of the note of the undersigned, Lieut. Segrain had been called upon to explain fully and particularly the grounds upon which he had considered himself justified in detaining a ship under the American colors, and with American papers, and that her majesty's government had further directed a prompt and searching inquiry to be made into the facts of the case.

A. STEVENSON.

The right hon. Viscount Palmerston, G. C. B. &c.

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VISCOUNT PALMERSTON TO MR. FOX.

Foreign office, December 3, 1840.

SIR: With reference to my despatch of the 12th of June 1840, relative to a vessel, named the Pilgrim, which had been taken on board at Rio de Janeiro, under the flag of the United States, laden with slaves, and in pursuance of the act of the 3^d of March 1820, for the coast of Africa, I herewith transmit to you, for communication to the government of the United States the accompanying extract from a despatch from her majesty's commissioners at Rio de Janeiro, stating that the Pilgrim had returned to that port in ballast, after having landed a cargo of slaves.

PALMERSTON.

H. S. Fox, esq., &c.

(An extract from the Rio commissioners' despatch of August 11, 1840, was enclosed)

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VISCOUNT PALMERSTON TO MR. STEVENSON.

Foreign office, Dec. 8, 1840.

SIR: I have to acknowledge the receipt of your letter of the 10th instant, together with its enclosures, on the subject of the African slave trade, and I beg to express my thanks to you for that communication, and for the information which it contains.

With reference to the suggestion contained in the paper which accompanied your letter, that a blockade should be instituted at the Gallinas and along the coast, as an effectual means of putting down the slave trade, I have much pleasure in acquainting you that a blockade has for some time past been regularly maintained at the Gallinas by her majesty's ship Wanderer, and by other vessels under the direction of its commander, and from New Cess by her majesty's ship Forester.

With reference to the supposition of the writer of the paper which you have sent me, that British cruisers abstain from taking vessels before they have slaves on board, in order that, by capturing such vessels after they have taken their slaves on board, the cruisers may get more prize money, I have to explain to you, that it is only since the passing of the act of 1838 that there has existed any legal authority to condemn Portuguese ships, detained for being equipped for slave trade, and not having slaves actually on board; and therefore, until that act came into operation on the coast of Africa, her majesty's vessels could not detain Portuguese slave vessels until they had actually taken their slaves on board; but with regard to Spanish vessels, the treaty of 1835 between Great Britain and Spain gave to the mixed British and Spanish commission a power to condemn slave vessels under the Spanish flag, if found equipped for the slave trade, even though they might have no slaves actually on board; and during the period

*See in the printed papers had before Palmerston; but the only one on which he has based a despatch of the 8th inst. made to acknowledge the receipt of a letter dated two days afterwards.

which has elapsed since that treaty has been in operation, her majesty's cruisers have taken, and sent in for adjudication, 85 Spanish slavers without slaves on board, and since the year 1835 her majesty's cruisers on the coast of Africa have detained and sent in for adjudication 14 Brazilian vessels without slaves on board, and only two with slaves on board.

You will see, therefore, from these facts, that the writer of the paper in question is entirely mistaken in supposing that the British cruisers on the coast of Africa look to profit instead of the performance of their duty; and I have further to state, in proof of the zealous activity of the British cruisers, that all the slave vessels sent in for adjudication before any of the mixed commissions, whether in Africa, the West Indies or Brazil, have been detained and sent in by British cruisers, not one of those vessels having been detained by the cruisers of any of the other contracting parties to the treaties under the stipulations of which those slave vessels were condemned.

PALMERSTON.

A. STEVENSON, esq.

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VISCOUNT PALMERSTON TO MR. FOX.

Foreign office, Dec. 17, 1840.

SIR: I received your despatch of the 1st of April last, and in compliance with the wish therein expressed on the part of the United States government, to be furnished with documents explaining the facts disclosed in the case of the United States slave schooner Rebecca, I directed her majesty's commissioners to furnish me with any evidence in their possession on the points referred to; and I now transmit to you, for communication to the United States government, a copy of a despatch from her majesty's commissioners, containing certified copies of papers connected with the case of the vessel above mentioned.

PALMERSTON.

H. S. Fox, esq., &c.

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SOUTHWESTERN CONVENTION. We learn

from the Cincinnati Gazette, in which paper we believe the proposition originated, that the call for a southwestern convention, at Louisville or Cincinnati, though seconded, is so coldly received, as to induce the editor to think it will not be held this autumn.

There are so many adumatory facts in the items which have reached us since our last, in relation to the current of the cotton trade of the world, that a careful perusal of this chapter cannot but be useful to American statesmen as well as the southern planters. Read—Refect. There is something more than speculation to arrest attention—actual results are reaching us already that speak in an audible tone, and the time is not far off when they will come to us trumpet tongued. America will have to meet Great Britain in the contest for trade, and it is time to prepare for the struggle—not with arms—but with wise and prudent countervailing measures.

COTTON TRADE. Exports of bales of cotton from the port of New Orleans for the last ten years, each statement made up to Oct. 1st, with the exception of the present year which is made up to September 1st, as compiled for and published in the New Orleans Commercial Register.

Wholesale exported	1831-2	1832-3	1833-4	1834-5	1835-6
Great Britain	91,623	128,682	287,787	253,213	237,059
France	79,485	81,754	102,610	141,872	133,140
North of Europe	4,285	2,553	9,530	4,580	17,989
South of Europe	6,375	1,600	1,384	1,010	12,693
Coastwise	63,201	95,145	55,625	24,332	90,194
Total	358,164	410,524	616,396	526,991	490,495

Wholesale imported	1830-1	1831-2	1832-3	1833-4	1834-5
Great Britain	330,700	183,204	309,757	301,768	430,310
France	133,534	128,303	121,767	140,491	153,931
North of Europe	6,120	2,553	1,160	23,422	9,836
South of Europe	13,772	19,902	9,484	10,000	12,693
Coastwise	55,120	109,554	137,734	122,556	160,547
Total	589,960	433,518	579,701	599,327	717,288

From Messrs. Merchants' Magazine.
Exports of cotton from the port of Mobile, for the last four years, to present ending 31st August, the others 30 September:

	1837-38	1838-39	1839-40	1840-41
To G. Britain	157,114	125,623	257,955	152,528
France	61,123	22,304	80,528	55,130
Other foreign	5,908	2,008	16,195	9,174
Coastwise	85,276	99,700	55,394	109,886
Total	310,021	249,635	410,199	317,717

EXPORTS OF BRITISH COTTONS FOR 1840.

From the *Leeds Mercury*.

We have been favored with the following official table of the cotton exports of the United Kingdom last year, with the countries to which those exports took place.

COTTON EXPORTS FOR 1840.

Declared value of cotton manufactures and cotton yarn exported from the U. Kingdom.

Countries to which exported.

Northern Europe.		£1,51,793
Russia		66,350
Sweden		26,000
Norway		6,328
Denmark		1,961
Prussia		3,551,430
Germany		2,214,373
Holland		206,530
Belgium		
Southern Europe.		209,136
France		738,309
Portugal Proper		23,228
Portugal Azores		16,667
Portugal Madeira		11,181
Spain and the Balearic Islands		28,339
Spain and the Canaries		635,821
Gibraltar		1,671,122
Italy and the Italian Islands		80,361
Malta		49,174
Ionian Islands		638
Mores and Greek Islands		895,888
Turkey		216,269
Syria and Palestine		
Africa.		64,367
Egypt		47,047
Tripoli, Tunis, Algiers and Morocco		262,489
Western coast of Africa		134,665
African ports on the Red sea		
Cape de Verd Islands		2,487
St. Helena		1,494
Mauritius		159,808
Asia.		
Arabia		
East India company's territories and Ceylon		3,873,186
Sumatra, Java and other islands of the Indian seas		272,663
Philippine Islands		141,639
China		327,137
British settlements in Australia		179,707
New Zealand		3,181
South Sea Islands		1,998
America		
British North American colonies		611,303
British West Indies		1,254,687
Haiti		161,929
Cuba and other foreign West Indian colonies		401,382
United States of America		1,123,439
States of Central and South America, viz:		
Mexico		249,065
Guatemala		
Colombia		248,046
Brazil		1,525,037
States of the Rio de la Plata		335,305
Chili		921,627
Peru		494,827
Isles of Guernsey, Jersey, Alderney, Man, &c.		65,381
Total exports		£24,668,618
Yards.		
White or plain cottons	433,114,373	7,803,772
Printed or dyed cottons	357,517,624	8,498,448
Hosiery and smallwares		1,365,090
Twist and yarn	118,470,222 lb.	7,101,508
Total		£24,668,618

Import of cotton into England, January 1, to August 30, 1840 and 1841.

	1840.	1841.	Increase.	Decrease.
American	1,013,552	793,829		229,023
Brazil	65,941	81,086	15,145	
East Indies	104,548	121,901	17,353	
Peru	24,847	30,261	5,414	
West Indies	3,308	5,639	2,331	

Total 1,216,266 1,652,806 163,490

During the six months it appears, that the decrease in imports was not so great as the decrease in quantity taken by the trade. For the coming year the supply will be much greater in proportion to the consumption. The usual blue and grey is now raised from the south as to injury sustained by the new crop. There is in some sections a little tith in the matter, but under any circumstances that can now arise, the crop will be fully equal to that of last year.

The cotton holders are very desponding, but they do not yet make up their minds to submit to the large reduction demanded by shippers.

From the *Bombay Times*, June 23, 1841.

Proportion of cotton in 1840. On examining into the supplies of cotton brought to this market during the twelve months ending the 31st of May, we find that the result is well calculated to astonish those who have not been marking the progressive increase of this product, but have been dwelling with fancied security on the recollections of what used to constitute a large supply for us, viz—200 to 250,000 bales. It appears, then, that from the first of June, 1840, to the first of June, 1841, the imports of cotton into Bombay have amounted to 174,212,755 pounds; or, on the previous average, of 37 cwt. to the bale, 478,066 bales, little short of half a million of screwed bales. This is a larger quantity than America produced in England during the same year. In 1825, the entire product of the U. States amounted to only 169,860,000 pounds, though twelve years after it had reached 444,214,537 pounds.—*Vide* McC's Diet.

As a further encouragement to the cultivators, we may state, that the consumption of cotton in India and in Great Britain has increased in a greater ratio than that of any quality whatever. In 1816, at which period the average of American upland was 18½ d. and Surat at 15½ d. all the consumption of American was 4,036 bales, and E. Indian 207 bales per week. In 1839, when the average price of uplands was 18½ d. and Surat at 5½ d. the consumption of American was 15,644 bales, and East Indian 2,112 bales per week; the increase, in twenty-three years, of the last mentioned, being in the ratio of 1 to 18. In the same period, the consumption of Egyptian, Brazil and West India varieties has not doubled.

From the *London Literary Gazette*, Sept. 11, 1841.

INDIAN PRODUCTS AND MANUFACTURES. Connected with this subject, we rejoice to see that measures are being successfully taken to form a national intimation of valuable products and manufactures between England and her mighty eastern empire.—This has been long and most strangely neglected; and it would have been well worth while to establish a board of commission, with government influence and authority, to direct and superintend so important a concern. As it is, the stimulus appears to have been given by the committee on trade, &c. emanating from the Royal Asiatic society, whose proceeding has had a most beneficial effect both at home and in India. We now learn that experiments on the cultivation of cotton are promising the greatest prospects, and that other branches of industry are all being improved and promoted by European skill and encouragement. The Himalayan fine has been acclimated, and found extremely useful; and the "prodigious" lucerne, and other nutritious grasses, of which travellers have spoken in such high terms of praise, are also introduced with every prospect of adding much to our agricultural prosperity. Tea, coffee, silks, hundreds of fruits, gums, dyes, medicines and other precious articles of commerce remain yet to be cultivated, and interchanged in abundance, to the incalculable advantage of both countries.

THE BOUNDARY. It would appear from the following article, which we copy from the *St. John's Courier* of the 6th ult. that our neighbors in New Brunswick regarded with dissatisfaction the *ex-parte* survey of the United States government, to determine the due north line—and anticipate difficulty, provided the line should be continued beyond the St. John.

"The boundary and the new survey. We believe it is generally known that an *ex-parte* survey of the due north line from the monument, as claimed by the American government, has this year been going on under Major Graham and other officers of the United States topographical engineers, the line is hereby the mode of carrying on the survey is not yet fully understood. We therefore have to state that the American surveyors are running and marking the line by the transit instrument, or, as we understand it, making an astronomical survey, they laying found, on trial, that such would give them a considerable advantage, by carrying a new line, line is hereby the eastward of the line established by the joint survey of the boundary commissioners many years ago.

A short time since we learned that this new line had been extended as far north as the Aroostook river, where it was 780 yards (nearly half a mile) to the eastward of the former line, and the line is now being surveyed seriously with private rights. In one instance, it was said, the owners of the land had resisted the survey, thrown down the observatory, and driven off the commissioner and his surveyors. We now hear that the line has been extended nearly to the St. John, and that it will cross the river more than half

a mile below the former line, but a very short distance above the military post at the Grand Falls.

We cannot refrain from expressing a decided disapproval of allowing the American surveyors to continue their line north of the St. John.

On this point we feel certain that we merely express the universal feeling of the people of this province. There is another view of this matter which should not be overlooked. The general government of the United States say that this line is run by the *ex-parte* only, and more so, and more so, and more so, the state of Maine treats it very differently, and appears to consider this survey as establishing the line by which they mean to abide. It is generally understood, if not already avowed, that when Gov. Fairfield is sworn into office next January, he intends to take possession of the new line, and sell and settle the lands with the least possible delay. Such a course would produce an instant collision, from which we hope long to be spared, but it can hardly be avoided if this survey, which Maine is fully disposed and quite determined to consider final, is allowed to proceed.

[Boston Mer. Journal.]

PRESIDENTIAL VETOES. We inserted some time since a list of the number of vetoes returned by the several presidents of the United States. Without having time at the moment to ascertain the objects of the bills vetoed. A correspondent of the Madisonian furnishes the following list completed in that respect:

PRESIDENT WASHINGTON.

April 5, 1793. Apportionment bill. H. R.
February 28, 1797. Military establishment. H. R.

PRESIDENT MADISON.

February 21, 1811. Church in Alexandria. H. R.
February 28, 1811. Baptist church. H. R.
November 6, 1812. Naturalization. H. R.
January 30, " United States bank. Sen.

PRESIDENT MONROE.

May 4, 1822. Cumberland road. H. R.

PRESIDENT JACKSON.

May 27, 1830. Maysville road. H. R.
May 31, 1830. Washington Turnpike road company. Sen.

Retained—May 31, 1830. Louisville and Portland canal. Vetoed Dec. 7, 1830.

" May 31, 1830. Lighthouses, &c. Vetoed Dec. 7, 1830. H. R.

Quasi veto—May 31, 1830. Road from Detroit to Chicago. H. R.

July 10, 1830. U. S. bank bill. Sen.
Dec. 6, 1832. Interest to state. Sen.

" " Harbor bill. H. R.
" " 5, 1833. Land bill. Sen.

June 9, 1836. Day for meeting of congress. Sen.
Picketed—March 3, 1837. Currency bill. Sen.

PRESIDENT TAYLOR.

August 16, 1841. Fiscal bank bill. Sen.
Sept. 9, 1841. Fiscal corporation bill. H. R.

THE ARMY.

GENERAL ORDERS, No. 70.

Head quarters of the army, Oct. 6th, 1841.
Washington, Nov. 6, 1841.

With a view to the rebuilding of the arsenal at Charleston, South Carolina, on a square of ground purchased from the city, being the square of which a portion has been occupied as an ordnance store-house, a board of officers, consisting of Capt. J. M. Williams, commanding, Capt. J. M. Hill, or the assistant quartermaster of the station; and assistant surgeon J. M. Cuyler, will assemble in Charleston as soon as Dr. Cuyler shall reach that place.

The board will consider and report—
1st. Whether the site will probably be healthy.

2d. Whether it is sufficiently accessible for the receipt and issue of military stores; and if so, in what manner.

3d. Whether it may with safety and propriety be occupied as a depot for gun powder.

Together with such other points as the board may deem necessary to be brought to the notice of the department.

By order: R. JONES, adj. gen.

Buffalo, N. Y. A detachment of the U. S. troops consisting of companies A, E and I, 4th artillery, has arrived per steamer Illinois from the vicinity of Detroit, their place having been supplied by the 5th regiment from the Mississippi station. Two of the companies, A and E, moved immediately eastward via the rail road for Sackett's Harbor, while company I, Capt. Scott, remains.

The steamboat Marietta arrived at St. Louis on Oct. 27th from Pittsburgh, and on board arrived 120 men of the 1st regiment of dragoons from Carlisle, Pa., and destined for Fort Leavenworth.

FORTIFICATION ARMAMENTS. The Alexandria Gazette states that three hundred tons of heavy arma-

ment are now shipping from the arsenal, near Washington, for fortifications at Newport, Rhode Island. Nineteen 32 pounders are also shipped for Fort McHenry near Baltimore. The work of arming the fortifications has been vigorously prosecuted by the present administration.

A writer in the National Intelligencer urges the merits of Elizabethtown, the county seat of Hardin county, (late McDaniel's ferry), opposite the lower point of Hurricane Island, on the Ohio river, ninety miles above its mouth and on the Illinois shore as a suitable site for the western army.

FLORIDA. Captains McLaughlin and Burk have recently passed through the everglades. They entered a port at Key Biscayne and Indian Key, and came out to the north of Cape Roman. In their course they visited Che-ki-ka Island, discovered a lake with several islands in it, destroyed a field of corn of about forty acres, and saw five or six Indians. [*St. Augustine Herald.*]

By the capsizing of two boats in Indian river, Florida, Mr. U. Ashlock, seven United States soldiers, five men and a boy were drowned.

DEATH. Died at St. Augustine, on the 30th of October, Dr. Richard Wightman, of the U. S. army, a native of Fairfax county, Virginia, but for more than twenty years past a resident of Florida.

THE ARMY, THE NAVY AND THE CHURCH. From *The Army and Navy Chronicle*. It is an interesting fact, and perhaps not generally known, that within a few years past, as many as twelve or fifteen officers of the army, and it is believed some from our navy and navy, and that military profession for the more peaceful, but not less arduous, vocation of the Christian ministry, and are now usefully employed, in various portions of the United States, in preaching the gospel. It is natural that the portion of the clergy should take a deep and peculiar interest in the moral and religious condition of our army and navy, and that they should be among the first to concert measures for the spiritual improvement of these important branches of the public service. Accordingly, it appears that the incipient measures have already been taken, by a portion of the clergy above alluded to, in reference to this subject. A meeting was held in the vestry room of the Episcopal church, in the city of N. York, on the 29th October, at which were present the following clergyman, viz:

The Rev. Leonidas Polk, bishop of Louisiana.
The Rev. N. Sayres Harris, rector of the church of the Evangelists, Philadelphia.

Rev. Amos A. Phelps, rector of New York.
Rev. Lewis P. W. Balch, rector of St. Bartholomew's church, New York.

The Rev. M. P. Parks, chaplain and professor of ethics in the military academy.

The Rt. Rev. Bishop Polk was called to the chair, and the Rev. M. P. Parks appointed secretary.—Whereupon, the following preamble and resolutions were unanimously adopted.

Whereas, in the Providence of God, as we believe, we have been called out of the army of the U. States into the gospel ministry, we regard ourselves as being, in a peculiar degree, debtors to our former brethren and associates in arms, to do them service, according to the measure of our ability and opportunities; therefore,

1. *Resolved*, That, for the purpose of adopting some system of measures, in reference to the spiritual improvement of the army and navy of our country, we will (God willing) meet again at the vestry room of St. Bartholomew's church, in the city of New York, at 11 o'clock, A. M. on the 4th Thursday of June, 1842.

2. *Resolved*, That such of our brethren in the ministry as were formerly identified with us in the military or naval service be invited, and we do hereby invite them, to meet with us, at the time and place above specified, and assist by their counsels in furtherance of the object above directed.

3. *Resolved*, That such officers of the army and navy, and those, now in civil life, formerly connected with either arm of the service, as are interested in the foregoing object, be also invited to be present, and cooperate with us in promoting the same; and that such as cannot be present be requested to communicate with us by letter or otherwise, furnishing us with such facts and suggestions as their observations and reflections may supply.

4. *Resolved*, As the most eligible means of circulating this information, that it be forwarded to the Army and Navy Chronicle for publication, and that such periodicals as feel an interest in the subject be requested to copy.

LEONIDAS POLK, chairman.

M. P. PARKS, secretary.

NAVY.

The Norfolk Beacon says: We learn that the finding of the court in the case of purser Bridge, who was tried before the naval general court martial which convened on board the United States ship Pennsylvania, in June last upon charges preferred against him by commander W. K. Latimer, has been disapproved by the secretary of the navy, it not being in his judgment, justified by the evidence in the case. The sentence which was a reprimand in general orders, has therefore been set aside, and Mr. Bridge relieved from his arrest.

We see, with much pleasure, that proposals are issued this morning for supplying timber to build a schooner vessel for the U. States, in the navy yard at Southwark. [*Phila. U. S. Gaz.*]

The United States ship Ontario, at the Brooklyn navy yard, has been ordered to be repaired immediately, and will sail shortly for New Orleans. She is intended for a guard-ship off that port. [*Sun.*]

REVERSE OF SENTENCE. The secretary of the navy has reversed the decree of the court martial, held on board the United States ship Pennsylvania at Norfolk, sentencing Dr. Hunter and Lieutenant Goden to suspension and acquitted those gentlemen of the charges made against them, in the most creditable manner. The secretary in his official capacity those officers, has redacted with merited severity both upon Captain Bolton, who preferred the charges against them, and the captains who composed the court. He has asserted, in the most unequivocal terms, that there was no ground for complaint against them, much less for a conviction and sentence by court martial. [*Norfolk Daily Advertiser.*]

It has been stated in several of the public journals, that in disapproving certain of the sentences of the late general court martial at Norfolk, the secretary pronounced censure on the court itself. We are fully authorized to say that this is not the fact. The secretary thought it due to the officers that the sentences should not be approved, which, of course, implies that he thought them wrong; but the proposition of censure on the court was, and is, a very unjust implication, beyond the mere expression of his opinion that they had erred in judgment. [*Madisonian.*]

THE FRIGATE RARITAN. A meeting was held recently in Philadelphia for the purpose of urging the propriety of having this frigate now on the stocks at that place completed for service. The reply of the secretary of the navy has been published, and it is most agreeable fully in the views and opinions of that meeting. Convinced that we can rely on our navy alone for the defence of our seaboard during war, and for the protection of our commerce, both in war and peace, I feel the strongest desire for an immediate and great increase, both in the number and the efficiency of our vessels of war. Acting upon this conviction, I had determined, before I heard of any movement on the subject at Philadelphia, to give the requisite order for finishing the Raritan, which order will be immediately issued.

NAVAL COURT OF INQUIRY. The court of inquiry into the conduct of Capt. Bolton closed its investigation on Saturday last. When the evidence was concluded, Capt. B. (according to the report in the New York Herald) rose and said:

GENTLEMEN: In explaining my conduct in relation to leaving the Mediterranean with the United States ship Brandywine, and returning to this coast in last May, I have very little to say, as a detailed statement has already been placed before you. The facts are all in your possession, and I therefore confidently leave the matter with you. I may simply say, that in returning I was actuated by a belief that a war between this country and Great Britain was inevitable. That opinion I distinctly expressed before the council of war, and I acted on it when I found myself on the ocean. My only aim was to get the earliest information upon this point, and I wished to be the first to turn to the honor of our navy, and to its advantage. In my opinion this could not have been so well accomplished as by my appearance on our coast. The English papers stated the sailing of ships of war for our coast, and it was only there that I could render myself useful. Under this impression I acted; my motives as well as any acts are before you. If I have erred it has been in judgment only. This is my conscience, and I submit the facts to the consideration of the honorable the secretary of the navy. As much stress has been laid upon the contents of the letter of Mr. Sprague, I ask that it may be borne in mind that the relations between the two countries continuing unseverely, it did not warrant me to justify me in submitting to his judgment, instead of the American minister—as I consider that commercial channels of news are not

always to be relied on. I confidently expected that my movement would have been approved, if not applauded. Had I doubted this, I would have gone back without reporting, by my presence on the coast, absence from an assigned station.

In coming into the harbor of New York I was only actuated by a desire to render the ship, if possible, more efficient, by introducing new approved gunnery improvements, which I did. I retired from the ship on account of ill health, and only when I felt quite sure that war would not soon occur. All I did was done in good faith for my country and my commanding officers; and I argue that the subsequent more particular orders to commander Voorbees resulted from the idea that he would, under existing circumstances, on leaving Mahon, proceed also to this coast. The American flags exhibited at the Rock of Gibraltar might have been hoisted to deceive me, and they were not seen when I entered the Rock. On making the coast in a fog, the report of a gun induced all the officers of the Brandywine to suppose, and indeed to say to the pilot, that the Ohio was off the coast or harbor. I sought our shores, not to get home, as that word is familiarly used, but to defend them. And I did not enter the port till all doubts were settled as to the existence of peace. If war had existed, all my dexterity would not have availed me to get in, for you all know the difficulties and risk. Great misfortune has existed in the public mind, but my actions have been fairly judged of by my professional brethren. The present investigation will, I trust, entirely exonerate me.

Captain Bolton then read a copy of a letter to the navy board, and then sat down. Commodore Stewart then asked the judge advocate if he had got through. He replied that he had. Commodore Stewart then said, "clear the court," and the court was cleared. On being readmitted we found that the papers had been sealed up to be forwarded to the proper department at Washington.

We also learn that the court considered that in the case of the Fulton's gun, it was fully proved that the gun was defective. It was also stated, but did not appear directly in the evidence, that so strong was the belief of the officers of the squadron of a war, that when, soon after the Freble left them, they heard a cannonading, they concluded she had been caught, and was having a fight with the British, although it turned out that her commander was only exercising his men at their guns.

The United States ship Cyane, Commander Stirling, bound to the Pacific, got under way yesterday morning, between nine and ten o'clock, and proceeded down the river in due style, with the wind from the south.

We understand that the frigate United States Capt. Armstrong, destined for the Pacific, will be put in commission this morning, and will host the broad pendant of Commodore Jones.

[*Norfolk Beacon*, Nov. 2.

STATES OF THE UNION.

RHODE ISLAND.

LEGISLATURE. The general assembly has adjourned after a session of three days and a half. The business transacted was chiefly of a private nature.

MASSACHUSETTS.

ELECTION. We have not yet received the complete returns of the result of the late election.

The following table from the Boston Atlas, will show the result for representatives in the several counties.

	Wtigs.	Opposition.	No choice.	Voted not sent.
Suffolk	36	0	0	0
Essex	17	7	5	6
Middlesex	18	21	9	2
Worcester	37	8	6	2
Hampshire	13	2	3	0
Plymouth	10	10	3	2
Sherborn	1	1	3	2
Framlin	2	10	8	0
Berkshire	4	6	2	0
Norfolk	9	3	6	1
Bristol	2	9	6	0
Barnstable	2	0	0	0
	160	81	50	16

In New Bedford, after three days unsuccessful effort to make a choice of representatives, it was voted not to send.

A NEGRO LEGISLATOR. They have had some queer doings at the late election in the Bay state. It seems that in the town of Townsend, Massachusetts, the whites, Van Buren men and abolitionists are equally

divided, and each made a nomination for representative. As in that state a majority over all is necessary to an election, both parties urged the abolitionists to withdraw their nomination, and even proposed to unite with them on a man, who should represent either white or colored principles, or Van Burenism and abolition; but the abolitionists would run their candidate or prevent a choice. After two or three unsuccessful ballottings, the two parties, vexed at the obstinacy of their abolition brethren, determined to give them a full-blooded abolitionist, without compromise. They accordingly came to an understanding upon the subject, nominated a very black, but very respectable old negro, and marching to the polls in a body, elected him as a representative to the Massachusetts legislature by an overwhelming majority! In Massachusetts there is no disqualification as to color, and the negro had agreed to take his seat as a member if elected. It happened, however, that the polls were kept open longer than the usual time, and the election is therefore void. A new meeting is to be called, and if the abolitionists hold out, the negro will be elected.

[*New York Express.*]

ONE VOTE. Nearly a dozen members were elected by one vote majority.

SCHOOL STATISTICS. The amount raised for town taxes the last year, throughout the state, for school purposes, was \$491,615 23, which added to the amount of income of the surplus revenue appropriated to the same object, of \$95,239 48, makes an annual appropriation of \$586,854 71, for the support of the number of children returned, between the ages of four and sixteen, is 153,492. The average sum appropriated to the instruction of each child, is \$2 70.

VERMONT.

POLITICAL CONVENTION. A whig state convention has been held at Montpelier, which lasted three days, and resulted in the adoption of the following resolutions and address:

RESOLUTIONS.

Whereas, we regard the distinctive principles and measures which the people of Vermont have hitherto, in times of trial and triumph, perseveringly maintained to be principles in accordance with those of our fathers of '76, and measures essential to the liberty and prosperity of the country—

Resolved, That we will ever have these principles and measures, and comment them to the continued and constant support of the people, unswerving by the temptations of temporizing policy, and untroubled by the onsets of an infuriated opposition.

Resolved, That in adhering to those principles and measures, we must and we do, insist upon

The separation of the purse from the sword;

The reform of those abuses of the appointing power which have heretofore brought the patronage of the federal government in conflict with the freedom of elections;

The president to be limited to a single term;

The right of petition to be maintained unimpaired;

The national expenses to be regulated by a wise regard to the necessities and welfare of the country;

The right of the states to the public domain to be sacredly regarded; and

The protection of American industry against foreign competition, by a discriminating tariff—and against the ruinous effects of a depreciated and unstable currency at home, by providing a sound and steady national currency.

Resolved, That the acts of the late extra session of congress—in the repeal of the sub-treasury bill; in providing for the liquidation of the heavy national debt, which was incurred by a previous administration; in promptly furnishing means for the national defence; and in providing for the distribution of the proceeds of the public lands among the several states—alone entitle the whig administration to the gratitude of the American people.

Resolved, That while one great measure of national reform and relief has failed, by a disagreement between the president and congress—a disagreement which we deeply regret—we yet confide in the wisdom and patriotism of congress and the president to agree upon some such substitute as will meet the necessities and the approval of the people.

Resolved, That the whigs ought not to be distracted by any considerations growing out of the present events. Differences between individual members of the party should not be permitted to create dissension, but ought rather to stimulate to renewed effort for the preservation of the party entire. A spirit of liberality is also needed to insure concert of action, without which no party can long sustain itself or carry out its principles.

Resolved, That by the open threat of *repeal*, made by the opposition in reference to the measures of

a whig administration, we are forewarned; let us then be forearmed, to prevent the destruction of all the glorious fruits of the memorable victory of 1840, by henceforth ever routing the *destructives*.

Resolved, That we commend to the whigs of Vermont the full exercise of the spirit of union for the support of their principles and their country; and the maintenance of a firm and cheerful and cordial organization, as a means of securing to Vermont, beyond all contingency, for the future, her well earned and honorable reputation among the whig states of the union.

ADDRESS.

Whigs of Vermont: Inspired with the conviction that we have our country to uphold, one constitution to support, and one destiny to achieve, believing that these objects may be best attained by the ascendancy and development of democratic whig principles, a convention of your whig fellow citizens again urges upon you a renewal of the same zeal, a re-kindling of the same spirit, and an exercise of the same mutual forbearance that animated and encouraged, and sustained us, in the contest of 1840.

Entertaining no ill-tempered desire to hold up to view the errors, the follies, or the remissness of the late administration of the general government, we cannot forbear asking you to contrast the inebriety and inertness of the past administration, with the sagacity, the vigilance and the sagacity of the present. We have no desire to experience here, our warrant for saying, that in the short period of our whig history, the accession of the lamented HARRISON to the presidency, more great and patriotic measures have been concerted and matured, and more evil has been arrested in its progress, than during the whole four years that preceded it.

In the law for the distribution of the proceeds arising from the sale of the public lands, by the execution of which an income will annually accrue to Vermont fully equal to the ordinary expenses of the state in the revenue law, by which provision is made for the payment of the public debt contracted by the late administration, in the enlargement and re-organization of other measures, the establishment of fortifications and other measures, and in the law for the repeal of the sub-treasury system, by which we promise of abundant compensation for all the toil and sacrifices incurred in producing their enactment. Indeed, with a single exception, already do we find spread upon the statute book all the great measures which we expected from the extra session of congress; and in regard to that one exception, the compromise, arise, we are bound to indulge, and do indulge, the confident hope and belief, that at the approaching session of congress some general and acceptable plan will be devised, in which all the departments of the government will cheerfully concur. There is no other subject, which has been so long and so much a question, which has been, and must continue to be, made a question in our political contests. It is one vitally affecting the prosperity of our state, and as such demands our attention. By the provisions of the compromise act, the duties on foreign merchandise, in the production and manufacture of which American industry has attempted a competition, will be reduced to so low a point in 1842, that unless other measures be matured, the spirit of rivalry will be extinguished, and the country be again made dependent on the labors of the foreign agriculturist and artisan. In other words the same question, though somewhat in a varied form, will again be raised, whether the demand for American labor, and the wages of that labor, shall maintain the same elevated condition as heretofore, thus far made the subjects of it respectable, prosperous and happy, or whether, by diminishing the varieties of employment, the wages of labor and the demand for that labor shall be reduced to so low an ebb, that even the foreign artisan in his rags will mock the condition of our countrymen.

Upon us, in an important degree will depend the issue of this question. If our principles are worthy the effort that was made for their ascendancy, they are worthy of an equal effort to maintain and perpetuate them. And if we would realize the good which they promise us—if we would preserve the prudent counsels of the conservative and frugal policy, we must characterize our own state and ourselves, we must exercise a degree of activity and vigilance, and indulge a spirit of harmony and forbearance among ourselves, commensurate with the great objects to be attained. We have adversaries to contend with who give no shelter to their cyclists, and no rest to their laborers. With the cry of "REPEAL" on their lips, trusting to divisions among ourselves for success, and "counting all as lost" if they do not regain the spoils of office, they press forward with a hope that never flags, and a zeal that never tires. Let the whigs of Vermont borrow patience and energy from their example. Let them remember the evils they

have borne under adverse national administrations, and learn to be content, while under whig administrations, their political "tyranny is easy and their burden is light." And even as a matter of pride, let it never be said that the whigs of Vermont, by their own negligence or internal divisions, have contributed, in any degree, to dim the brightness, or obscure the glory of "THE STAR THAT NEVER SETS."

WM. UPHAM, *president.*

HAMDEN CUTTS, } *vice presidents.*
LEONARD SARGENT,
D. W. C. CLARK, } *secretaries.*
OEL BILLINGS,

THE TARIFF.

The following resolutions, reported by the select committee on the governor's message, were adopted by the house of representatives of Vermont on the 3d, by the decisive vote of ONE HUNDRED AND EIGHTY FIVE TO THREE. Politically the house divides about 120 whig to 85 Van Buren.

Resolved, That labor, both mental and corporeal, is not only the most honorable means, but the only true source of wealth.

Resolved, That it is the duty of our government, at all times, to protect and encourage the domestic industry of our citizens, by making and enforcing such a tariff of duties as will secure our home markets from the desperate and disastrous floodings of foreign competition.

Resolved, That we regard the right to enjoy the products of our soil and labor as sacred and as valuable as the right to the soil itself, and that it is equally the duty of our government to repel invasions and encroachments upon the one as the other.

Resolved, That the farmer and manufacturer are alike vitally interested in such protection, and that the prosperity of all classes and occupations is mainly dependent on the success of our agricultural and manufacturing interests.

Resolved, That the tariff laws now existing are highly defective and insufficient, and by that part of the compromise act which is to take effect in July next will be rendered still more defective, insufficient, and unjust.

Resolved, That our senators in congress be instructed, and our representatives in congress requested, to use all honorable means in their power to procure the passage of laws which, while they shall guard against the atrocious frauds and evasions now practised upon us by foreigners and foreign agents, and while they shall raise a revenue sufficient only for the necessary expenses of government, and shall have a due regard to the particular interests of every section of our country, may give, by protective duties, such a preference to domestic over foreign products in our own markets, and may so discriminate between those articles which we can and those which we cannot produce at home as to give a just, sure, and salutary encouragement to the industry of every American citizen.

Resolved, That his excellency the governor be requested to forward a copy of these resolutions to each of our senators and representatives in congress.

NEW YORK.

PARTIES IN THE LEGISLATURE. The division of parties in the legislature of the state of New York, for the last seven years, has been as follows:

SENATE.

	1835.	1836.	1837.	1838.	1839.	1840.	1841.
Whigs	4	5	10	14	20	21	15
V. Buren	28	27	22	18	12	11	27

ASSEMBLY.

	Whigs	18	33	100	82	70	66	33
V. Buren <td>100</td> <td>95</td> <td>28</td> <td>46</td> <td>58</td> <td>62</td> <td>95</td>	100	95	28	46	58	62	95	

The years given above show the periods of election. The session in the legislature commencing in January of the following year.

POLITICAL. The native American party, N. York, who contended for a modification of the constitution in regard to the elective franchise, propose calling a state convention, with a view to an effective organization of that party throughout the state. The reform now in the school question is supposed to have prompted this action.

NEW JERSEY.

The governor has appointed the 9th of December as a day of thanksgiving.

The legislature adjourned on Friday, November 12th, to meet again on 11th January next. But little business of importance has been transacted. We learn from the Newark Advertiser that Isaac Southard, jr., was re-appointed treasurer of the state, and Mr. Haddis keeper of the state prison. The bill to compel the state banks to resume specie payments on or before the 5th of July next, was not finally acted upon.

IMPORTANT LAW SUIT. Mr. S. WADDEL, the former marshal, of this district, is litigating before the supreme court of the United States, a very comprehensive claim against the state of New Jersey. It embraces all the land under water in all the rivers of East Jersey, and for three leagues beyond the shore. No farmer can build a little dock even, if he succeed. All the fisheries, ferries and oyster beds in east Jersey, depend upon the result. It is the most important case that has arisen since the settlement of the colony.

Mr. Geo. Wood and Mr. G. D. Wall, are employed by the state to defend its rights; and so important is the matter deemed by the legislature, that before adjourning they passed this resolution:

Resolved, That in view of the great and immediate importance of this cause, in respect to the rights of this state and its citizens, his excellency, the governor, be requested, if he shall deem it compatible with his other public duties, to repair in person to the city of Washington, and attend the said argument, on behalf of this state.

Mr. Waddel sues in the name and in behalf of the east Jersey proprietors, and the appeal by the state to the supreme court, is from a decision in the circuit court, favorable to the claimants.

The issue of the suit will decide a similar claim by the west Jersey proprietors. [N. Y. Amer.

VIRGINIA.

SOUTHWESTERN ROAD. At a convention assembled on the 25th of Oct. at Christianburg which numbered about 150 delegates, the following resolutions were adopted:

1. *Resolved*, That it is expedient to make application to the legislature of Virginia for the construction of a McAdamized road from the Tennessee line, near Abingdon, to the most eligible point on James river.

2. Resolved, That the legislature be applied to, to make such road wholly on state account, and that they be earnestly requested to commence the work forthwith.

3. *Resolved*, That a committee of three members be appointed to draft a memorial to the general assembly of Virginia, in accordance with the foregoing resolutions, and that the members of this convention be requested to procure signatures to the same.

Resolved, That the best interests of the country demand the completion of the work entrusted to the James river and Kanawha company, and that it is expedient, in the opinion of the convention, that the aid of the state shall be freely given to this object, in manner and extent as the legislature may deem wisest.

Resolved, That the members of this convention, in their individual character, most respectfully and earnestly appeal to the legislature to give its early attention to the condition of our common schools, and to adopt such measures as shall in its judgment be deemed necessary to place them upon the most useful and efficient footing.

EDWARD WATTS, *Pres't.*

JOHN P. MATTHEWS, *t* Secretary.

JAMES W. SHEFFEY,)

GEORGIA.

The legislature of this state commenced its annual session at Milledgeville on Monday, 1st instant, and was organized by the election of Robert M. Echols as president of the senate, and Wm. B. Wofford speaker of the house of representatives—both members of the opposition party.

Of the business already introduced, we observe that bills have been reported in both houses proposing a considerable reduction in the salaries of state officers, viz: the salary of the governor to be \$3,000; state house officers, \$1,600; judges, \$1,680; and members of the legislature, \$4 per diem.

The message of Governor McDonald, which was laid before the assembly on Tuesday, is largely occupied with the vexed questions of banking and currency. It recommends a reform of the system at present in operation in the state, by the establishment of a new state institution, with branches to supersede the local banks as their charters expire, in the following terms:

As a means of obviating the causes which have led to the present emergency, a favorable change might be made in our banking system. The Central bank is the only institution which has diffused its accommodations to the people of every occupation and profession throughout the state. This should be sustained by all the means at the command of the legislature. But, besides this institution, I am satisfied that the public interest would be promoted if there were but a single bank, located at our principal seaport, with a capital adequate to all commercial purposes, and required to establish a branch at

each point at which banking facilities are needed.—The many advantages which this would have over the existing system must be manifest to all. Every section of Georgia would have the same currency, not liable to loss by unjust exactions of unreasonable premiums on exchange, and of nearly uniform value throughout the state. By establishing a substantial credit at home it would acquire confidence abroad, and enable those who wish to use their funds in other states to dispose of the notes at little or no sacrifice. There would be but little probability that those who

embark in banking with the view of fabricating money for their own use, could bring the institution under their control so as to execute their purpose.— This should be effectually provided against in the charter. That many banks have charters as yet unexpired may give rise to some difficulty in carrying this measure promptly into operation. If the act of the Legislature should be so framed as to provide that no other bank should be chartered, and that the charters of those in existence, except that of the Central bank, should neither be renewed nor extended, it would attract the attention of capitalists, and accumulate strength as the other institutions expired. I submit these views to your consideration. It is expected that they will encounter the opposition of many of those who are desirous of the expediency of those laws and cities ambitious of retaining banks. But the public interest alone should be consulted, and the recommendation is made under the firm conviction that it will be promoted by it."

A reformation of the state judicial system, by the establishment of a supreme court, is also recommended, as well as the propriety of so altering the state constitution as to allow a change of venue in criminal cases. On these subjects the governor says:

"The attention of the general assembly has been frequently called to the amended constitution, authorising the establishment of a supreme court for the correction of errors. I again commend it to your consideration. When it is considered that the principal object of government is the attainment of justice, it is a matter of surprise that we should rest quietly under the imperfection of our system of jurisprudence. It is a matter of surprise that we should acquiesce in the decisions of the circuit judge original and irreversible, except at his will. His power in cases involving the life, property and liberty of the citizen, is absolute and appalling; and, but that we have been so long accustomed to its exercise by a single individual, it would not be tolerated for a day.

has been said, by those opposed to this reform in our judiciary, that if one judge errs, three may err. This is true; but it is also true that three are not so likely to err as one, especially when there is a right to appeal. The better, therefore, to expect to find a full and thorough investigation. The principle is anti-republican; for the same reasoning would apply to the legislature, and lead to the concentration of the law-making power in the hands of a single individual. The objection arising from the alleged delay of judicial proceedings cannot be available, unless it should be shown that the delay is caused by the error of an erroneous decision than by, prosecuting his rights, attain justice at a slight sacrifice of time.—The great utility of such a tribunal strongly recommends its adoption. It will produce uniformity of judicial determinations; by the settlement of legal principles it will diminish litigation; and, from the published reports of its decisions, an opportunity will be afforded to understand the authoritative interpretation of the laws.

"The constitutional provision, that the trial of all criminal cases shall be in the county in which the offense was committed, has given rise to much difficulty, and, in some instances, flagrant injustice. From the law regulating the selection of jurors, an offender has been enlarged on his own recognition, and, from another source, has been subjected to imprisonment in the common jail, from the impossibility of procuring a jury who had not expressed an opinion on his case. It is due to public justice that an impartial trial should be had in every case, and for this purpose it is absolutely necessary that power be given to the courts to direct a change of venue, and that justice cannot be done without giving this jurisdiction. By your notice, that you may give it the consideration to which, in your judgment it may be entitled."

Another part of the message adverts to the misunderstanding between the executive authorities of Georgia and New York respecting a fugitive from justice, who was charged with the abduction of a negro woman, and whom the governor of New York refused to arrest and surrender unless proof of the facts of the case was first submitted to him. After stating the circumstances at some length, the message proceeds to recommend the adoption of a regulation to prevent a recurrence of the evil, as follows:

"The spirit of fanaticism, against which we have to contend, is ardent, untiring, artful and insidious.

has sent its emissaries into a neighboring state, and perhaps into our own, in incendiary prints and publications, concealed in packages of goods. Although, as a body, the highly respectable merchants of New York are not generally disposed to engage in such a course, may not engage in such nefarious business, it is essential to our safety and interest that no avowed should be left open through which we may be assailed. The open ground occupied by the constituted authorities of New York is not a subject for controversy to doubt that a great part of the population of that great state are hostile to the institution of slavery; and that, for the purpose of destroying it, would destroy us. In this state of things, our safety requires that a system of police should be adopted that would afford a guarantee against the introduction of goods would therefore be recommended that a law be passed subjecting to inspection every package of goods that shall be imported, either directly or indirectly, from the state of New York, or any other state manifesting the same disposition of hostility to our institution. That such a law should be enacted, to execute the law, with sufficient salaries to be provided by duties on goods imported from these states; and moreover, that all suspected persons coming from such states be required to find surety for their good conduct; and particularly that they within in no manner interfere with the execution of such a law by the population while within our limits.²⁷

Much as are to be regretted such unfortunate misunderstandings between the executives of different states as those which form the basis of the above recommendation by Governor McDonald, we think it scarcely possible that there can exist any diversity of opinion as to the unconstitutionality of the measure here proposed for the better protection of the interests of the people of Georgia in their relations with the non-slaveholding states. Such a law, in our judgment, would be clearly unconstitutional.

The above extracts appear to us to embrace those points in the message which may be deemed to be of general interest. Besides these, the governor seems disposed to aid the cause of education, and is in favor of biennial instead of annual sessions of the legislature. [N. Y. Intell.]

TENNESSEE.

According to a recent enumeration this state contains 119,824 legal voters. At the presidential election, the vote was 108,680; at the preceding governor election, 106,794; at the late election of governor, about 107,000. [Sun.

We have accounts from Nashville to the 6th inst. The legislature had been occupied most of the week in electing judicial and other state officers. The wilds had again called on the thirteen oppositionists to make time to take up the resolution offered them the time since Mr. Speaker Burney, in order to fix a day for the election of United States senators; but, the question being taken, it was again decided in the negative—ayes 12, noes 13. The speaker stated, in reply to an inquiry addressed to him, that he had not yet fixed upon, or thought of, any particular day with which to fill the blank in the resolution.

[*Nat. Intel.*

One of the thirteen Van Buren senators, who refused to go into an election for United States senators, until the candidates had given *satisfactory* answers to certain questions, has retreated from his position, and offered resolutions fixing a day for election.

HOME INDUSTRY.

The following article, for a copy of which amended from the pages of the *Northern Light*, we are indebted to its author, is commended to the serious consideration of the advocates of free trade, as well as to the friends of American industry. It treats of a topic, which will be all absorbing in the approaching session of congress, and of which we are quite as anxious to see the opinions which President Tyler will avow, as we are to see his proposed project for a fiscal contrivance to obviate banks, sub-treasury, fiscal agents, and fiscal corporations.

FREE TRADE AND PROTECTION TO AMERICAN INDUSTRY.

BY ISAAC K. LARRINCOTT

BY ISAAC K. LIPPINCOTT.

Within the space of ten months, the act of congress, called the compromise act, will have completed its full operations, and discrimination in favor of American labor and production, in the adjustment of duties on imports, will come to an end, if not previ-

ously changed. As that period, now so near, approaches, I conceive it becomes our duty to pause and inquire what is to be the result of this new order of things on the different branches of industry, and the condition of our country under it.

"If it were conceded that perfectly free trade is best for all nations, still the fact that no nation grants it to us is an argument conclusive why we should not grant it to them." All prosperous civilized nations have all capacities in their power to produce, and are producing more than they consume, and should we alone attempt to carry out the principles of free trade, the nations of Europe would still then, as now, receive only our cotton and a few other articles of first necessity, except under enormous duties, amounting in most cases to prohibition, and in some cases to all their products, such as light revenue duties, which would stop our manufacturers, and pay the balance in specie, until our stock of money would be so much exhausted, that prices of labor and all our productions would come to be at such low rates, that we should be compelled to go again into manufacturing, under this new condition, to supply our necessary wants, and thereby reduce the prices of labor and all our products to the same or a corresponding low rate of prices, and our laboring population to near the same degraded state as the laboring classes of Europe; and this must be the inevitable consequence of such a course of policy, for if cloth, or any other manufacture is made there with labor at twenty cents a day, it cannot, with a duty of twenty-two per cent on the cost there, or twenty on the valuation here, be made here and come in fair competition with the imported (the cost of the raw material, machinery, &c. being about in proportion) until the same kind of labor comes down to twenty-five cents a day.

The statesmen of our southern states, who are generally gentlemen of fortune, learning and leisure, have studied and adopted the doctrines of political economy laid down by Adam Smith, M. Say, Dr. Wayland and others, by which it is contended that the duty on the importation of any foreign product is exactly that amount of tax on the consumer, and if this duty is necessary to sustain the domestic production of the same article, it is still a tax on the consumer and a bounty to the producer to the amount of the duty on the foreign, and adds no revenue to the treasury of the country. In this doctrine, it is held, this we admit to be true. But there is another doctrine of political economy of a more practical nature that should also be taken into the account, to wit, the individual or nation that sells more than it buys, becomes rich, while those who buy more than they sell become poor; and again it continues to be a true proposition, that "the rich man rules over the poor, and the borrower is servant to the lender."

It is another doctrine of political economy, and is a true proposition in the abstract, that if a nation exports one-half of its coin, and receives for it the products of other countries in exchange, it is enriched to the extent of the coin so exported; and if it imports the remaining half will be expended, or the value of it increased so as to supply the place of the whole, or rather, which is the same thing, prices of all commodities would fall one-half. When this is accomplished, on the same principle one-half the remainder must be exported with a corresponding advantage. This could only be accomplished, especially in a country where the circulation is in coin, where there is no credit, and where every man has his equal or relative proportion of money and property; and will any one say it could be carried into operation in this country without ruin to three-fourths of the people? And now in the present condition of our country, to adopt to our abandonment of our duties, and practically to carry out those doctrines of political economy would be like a disaster.

The positions of the members of the British and French parliaments are such as to afford them every facility and inducement to thoroughly understand all the principles and policy of political economy, and yet we find the policy of these nations so bountiful, and still is restrictive and protective to the fullest extent, and that they thereby make other nations tributary to their aggrandizement and greatness, and we are now their debtors to an immense amount.

Exports from and imports into the United States.

Exports.	Imports.
1812 \$3,290,006	\$72,130,000
1814 6,397,441	12,965,000
1815 52,557,753	113,041,274
1816 81,920,452	147,103,000
1820 72,358,671	174,392,537
1835 121,693,577	149,895,742
1836 128,063,040	150,000,000
1839 121,628,416	162,000,132
1840 131,571,950	164,805,291

The produce of the soil and labor are the foundation of all wealth and subsistence, and all values are

composed chiefly of these elements, whether they are the products of the mine, the loom, the forest, or the field. The produce of the soil is the basis of the soil, and if we put a bale of cotton at ten cents a pound, worth thirty dollars, and this is made into cloth, and the value increased to three hundred dollars by British labor, sustained by British agriculture, and we again receive back the cloth so made, we pay \$270 for the encouragement of British agriculture, and the more we import, the more we increase the goods had been made in our own country.

The question at issue between the north and south on the subject of the tariff, I conceive to be briefly this: The cotton growing states, South Carolina, Georgia, Alabama, Mississippi and Arkansas, five in number, and the slave producing states, five in number, will be best protected by importation and consuming largely of the products of foreign manufacture, and their admission at the lowest rate of duty. The eastern, middle and western states comprising the six New England states, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Indiana, Illinois, Kentucky and Michigan, sixteen in number, on the contrary, believe that the interests of their agriculture are best promoted by creating a home market, by the establishment of manufactures among us, where we can exchange the products of our soil for our clothing, iron, glass and many other foreign articles, which we do not produce. As the products of foreign labor, sustained by foreign agriculture, for the West Indies and South America would not take and consume half our surplus produce if we had no manufactures, and Europe will not in ordinary cases take it for the iron, cotton goods, cloth, &c. which we would be compelled to receive for abroad in case we did not produce them ourselves. The five remaining states of Virginia, North Carolina, Louisiana, Tennessee and Missouri, being partly cotton and sugar planting and partly grain growing states, I apprehend, are about as much interested on one side of this question as the other.—Allowing then, for the sake of the argument, that the interest of the five cotton growing states would be best promoted by adopting free trade, or adherence to the compromise act, (which I do not believe), and allowing also that the other five named states, from similarity of institutions and contiguous location, go for the same doctrine, we then have ten states, with a population of 5,543,629, (including slaves), for the interest of the five cotton growing states, and ten states, with a population of 10,974,731, for the other course, or, including the District of Columbia and the territories, a population of 6,000,000 to 11,000,000. Now the question arises, shall the majority or the minority yield? If it should be said that we have bound ourselves by the compromise act, we reply that that was on our part a temporary concession for peace, and nothing more.

The duties on sugar and molasses are doubtless efficient protection to the cotton growing interest, and are the means of appropriating to the culture of these much land that would otherwise be used for cotton. To take the duty on the sugar and molasses, much more of that would be imported. The strong and avowed hostility of the English to slavery, and their selfish and exclusive policy lead them to give all the encouragement they can to the culture of cotton in other countries.

The serious considerations are, the additional loss of labor and capital which seek and obtain profitable employment; and that if growing of cotton is more profitable than the cultivation of other agricultural products or manufacturing, capital and labor will be diverted to it, until it shall be reduced to a level with other products of the soil and manufacture. The soil is the versatile character and migratory propensity of the cotton plant, the cotton states, that as soon as they cannot realize a profit from the spinning of cotton or wool, or forging of iron, they will be found growing cotton, or in any other employment that will yield the most profit, until the market for that and other southern products is so glutted, that the price of their article is so reduced to the same state of depression as the agricultural and manufacturing interests of the north and west would be brought by the adoption of this free trade policy, and the withdrawing of protection from our manufacturing interests, should induce our southern citizens to pause, and examine the subject, and inquire whether or not to allow their labor and capital to be so employed, and whether or not the country a living protection is not also for their interest.

In case of war with England or France, the supplies of their manufactures and that market for cotton and other southern staples would be nearly all cut off and destroyed; and this is a strong reason why all the states of the union should unite in encouragement to our manufacturing interests, and to the cotton states to give them a home market in case the foreign is destroyed by war, or much reduced in time of peace,

as appears to me is likely to be the case, from the cause above stated; and with all the protection that is asked by the north, judging from our cables of imports and exports, we shall still receive from Europe full as much or more than they will take of us we will pay for; and should not this be the case, the \$200,000,000 principal, and \$12,000,000 annual interest, that we are their debtors, will absorb all the surplus and more than we shall send them.

Our present policy, under the compromise upon us under a system of reduction of duties on foreign imports under the compromise act, and is the consequence of a combination of causes, one of which is the want of a duty on foreign manufactures sufficient to enable us to produce our own supplies of manufactured iron, and woollen, and cotton goods, and some other articles, and the other is the fact that some of the articles heretofore given will show, which might a large portion of them have been made in this country, and which, with our extensive internal improvement system, has enabled the nations of Europe to bring us so vastly their debtors, from the effects of which we are now suffering so much.

It has been the policy of our government, from the adoption of the compromise act, to break down the tariff on our manufactures; and up to 1824 all united in this laudable object, and up to 1833 the policy prevailed. But the belligerent condition of Europe, and our neutral position prior to 1808, were such as greatly to encourage and stimulate our agriculture and commerce, to the almost total neglect of manufactures; and the cotton growing states, feeling that some manufactures were necessary to supply the wants of the country and provide for our comfort. This called into existence various manufacturing establishments, and on the return of peace, the duties necessary to pay the expenses of the war, gave them ample protection and increased their amount. These duties came into our own consumption, feeding and sustained by different enactments of congress up to 1833, when the compromise act was passed. The reductions under that act have been so small and gradual, that as yet most of our establishments have been sustained. But its operations in 1842 must be most disastrous to many of them, it shall hereafter show. It thus came into our own dominion, the ability of the country to consume foreign products, and adopting the maxim, that "those who do not buy cannot sell," as it will diminish the ability of the consumers of this country to consume foreign products, the demand for cotton must also be diminished.

There is a capacity in times of peace and prolific seasons in our country to produce more than is wanted for our own consumption, and the surplus would take as much for our surplus products as would pay for such articles as their abundant capital and cheap labor would enable them to send us at lower rates, and us to purchase with the fruits of our own industry with a less amount of labor than we can make them for here, then the exchange would be in their favor, and the result would be the destruction of the industry; for with light taxation and abundance of cheap and fertile lands, we might export sufficient to pay for our imports, even without degrading our laboring population to that condition of poverty and ignorance that prevails among that class in Europe; such however, is not the case.

But, proclaim the doctrines of free trade, abolish all duties, and the protection of duties, and what would be the consequences?

The first would be an effort on the part of foreign manufactures to break down our rival manufacturing establishments, which they would to a great extent accomplish. The low prices to which their manufactured goods would be reduced, would induce them to reduce the price of their raw materials of men's step to pay for the excess of imports caused thereby; stop the operations of rival manufactures in this country; deprive the workmen engaged therein of their accustomed employment; sink a large amount of the capital invested therein, and bring a general depression and distress on the country, and all the branches of agriculture would suffer, including the producers of rice, cotton and tobacco, for our interests are so connected and interwoven, that while part are depressed the others cannot be prosperous.

In this country agriculture is the natural resort of most persons who fail of success in other occupations, and especially so of those accustomed to agriculture, and the more the manufacturing laborer effect could be to drive many of our now engaged in manufacturing to be farmers; and to those who have the means of acquiring but a small track of our cheap lands, its low price and great productiveness may afford the means of subsistence. But there are thousands who are engaged in agriculture, and who are unable to who must submit to such reductions in their wages and means of subsistence, as will reduce them to a

state, approximating to that of the operatives employed in the manufacturing establishments of old countries, who subsist on soups, oatmeal and vegetables, getting meat perhaps once a week as a luxury, and who seldom if ever take tea or coffee, which are now used by nearly all our laboring population as necessary comforts.

This would still further depress our already depressed prices of agricultural products,* for the number of producers would be increased without any addition to the number of consumers. Our fellow citizens of the south contend that these low prices of the necessary articles of their consumption, would promote their interests by lightening the burthen on their products, and give them better profits on their capital and labor; but let them remember that without protection to the sugar and molasses of Louisiana and Florida, these states would produce immense quantities of cotton; and that as long as the production of cotton is more profitable than the culture of corn, wheat and other productions of the soil and manufactures, capital and labor will be diverted to that production, by appropriating to it lands now occupied with other crops, and the result will be the proving of new lands, until it will be brought to the same or a corresponding rate of reduced prices and profits as other agricultural products, by greatly increasing its products beyond the wants of consumption.

It should also be borne in mind that, while theorists are disseminating their doctrines of free trade, the governments of Europe, and especially the statesmen at the head of the British government, understanding their true interests, and carrying out the principle of protection to their own industry, are exerting great efforts to extend the culture of cotton in British India, in place of the China heretofore smuggled into China, and to render themselves independent of us as far as they can. And shall we adopt no measures to counteract that policy, and provide for our own wants?

Different countries of continental Europe are rapidly extending their manufacturing establishments and manufactured products, by the introduction of new and improved machinery, and the prices of their labor and provisions being lower than in England, they too, will soon be more powerful rivals in our markets.

Another feature is the paramount interest of our country, employing probably more than half of our population, and is, consequently, that which is most entitled to protection and encouragement. Hence the question arises, what course of policy is best calculated to effect this great object? We answer, the constitutional exercise of those powers and duties assigned by the people to the general government, and denied to the governments of the respective states, by the passage of such laws and the adoption of such regulations as will give our manufacturers the supply of our own market, countervail the restrictive policy of foreign nations, and protect the industry of our own citizens from the injurious competition of other countries. And the protection that we would give, should be by laying sufficient duties on such foreign agricultural products as our country is fitted to produce; and on such manufactured goods as, with a moderate discriminating duty, would afford sufficient protection for the people to the general government, and our country to such a state of defence as may be necessary to protect us against insult and aggression from foreign powers, and sustain our domestic industry. As the foreign demands for our pork, beef, butter, cheese, grain and flour are of very limited extent, and they are not at all inadmissible in our country, except when they become duties, or in times of scarcity there, it heats our duty to provide some market for the consumption of these products; and how otherwise can this be done but by providing a home market, by sustaining the production of manufactures that we have no other means to pay for, and which we can exchange the products of our home for which there is no market abroad, and thereby give direct and effectual protection not only to the grain and provision growing, but also to the sugar, cotton, rice and tobacco producing interest, as has been before shown.

We have not to be alleged, that all this may be done without these protecting duties: our answer is, that this is comparatively a new country; that much labor is necessarily employed in clearing up our new lands, building our houses, making our roads, and establishing the means of intercourse; and that money and accumulated active capital are not so abundant as in the manufactures of the United States, but give a

few in one state only, which will afford some idea of their vast extent. In the state of Massachusetts there are 309 cotton factories, with 612,276 spindles; 203 woollen factories, with 112,930 spindles; 88 iron works; 749 slitting mills and nail machines; 28 card factories; 99 paper mills; and 5 glass factories. The amount of capital employed in manufacturing in this country is very large, and probably exceeds two hundred millions of dollars, and it is believed that a considerable portion of this vast amount would be lost if the comparative set of duties were to be changed. The following statement will show the operation of that act on some of our prominent manufactures, and particularly on those of iron, woollens and glass. By the act of 1832, a duty of four cents a pound, and forty per cent ad valorem was laid on imported wool costing over eight cents a pound; on cotton three cents per pound; on Brussels carpeting fifty cents the square yard; ingrained carpeting forty-five cents the square yard; on flannels, baizes, and coach leasings thirty-five per cent ad valorem; and on cloths, cassimeres and some other manufactures of wool, and on ready made clothing, fifty per cent ad valorem. On all printed, stained or painted broad cloth forty-three cents a square yard. On iron in bars or bolts, not manufactured by rolling, ninety cents per 112 pounds; on bar or bolt iron made by rolling, thirty dollars per ton; on pig iron fifty cents per 112 pounds, on vessels of cast iron one and a half cents per lb. and on white lead one and a half cents per lb. On all printed, stained or painted broad cloth three-sixteenths to eight-sixteenths of an inch, on nail or spike rods, or nail plates, band sheet or hoop iron, three cents per pound; on iron spikes four cents per pound; and on cut and wrought nails five cents per pound; on steel \$1.50 per 112 pounds; pig lead three, and white lead one and a half cents on window glass not above eight by ten, three dollars per 100 feet; not above ten by twelve \$3.50, and above ten by twelve \$4; and on other manufactures of glass high rates of duty. On all manufactures of cotton twenty-five per cent ad valorem; and provided that all cotton goods not colored, and costing less than thirty cents the square yard, shall value at thirty cents the square yard; and all colored cotton goods costing less than thirty-five cents the square yard, shall be valued at thirty-five cents a square yard, and pay duty accordingly, thus making the duties on many articles of cotton forty to fifty per cent.

By the same act the duties on pig iron were reduced on cooler goods has been reduced by five per cent, and by that act, a reduction of eighteen per cent. will be made in the first six months of 1842, or taking the home valuation at two per cent. sixteen; thus, twelve per cent has been granted on iron in oil in six months, and sixteen per cent is suddenly to come in six months, and the reduction of duty on imported wool is about at the same rate. If our woollen manufacturers depended on the foreign market for their raw material, and if the cost of the wool was one-half of the cost of the manufactured goods, and if the cost of the wool was reduced by twelve per cent, then the manufacturers lose the sixteen per cent, which is much more than their present rates of profit, and consequently they cannot go on until provisions, wool and labor are correspondingly reduced in prices. And so, too, with regard to some articles of the cotton manufacture.

The reduction of duty on cotton goods being twenty per cent, and that on a valuation of not less than thirty cents per square yard on white goods; if the cost was fifteen cents the square yard, the duty would be fifty per cent; and on colored goods costing seventeen and a half cents or less per square yard, the duty would be fifty per cent, and on white goods the duty would be reduced by deduction already made twelve per cent, and in the first six months of 1842 sixteen per cent; and besides the manufactures of cotton goods, which come in competition with the imported, will not have the advantage that may result to the woollen manufactures in a reduction of the cost of the raw material. Cotton stuffs for men's summer wear, muskies, calicoes and some other cotton goods are imported in large quantities under the present rates of duty, and with a duty of only twenty per cent ad valorem, doubtless much greater quantities of these and other articles will be imported.

The prices of pig iron in Liverpool in December last were from 45s 12s to 44s, and taking it at the best price, which was for No. 1 or best quality, and rating the pound sterling at \$4 20, is \$19 20. Add for freight and other expenses, say 3 80 Making the cost when landed here, \$23 00

Duty of pig iron by act of 1832 is, per ton \$10 00
The four biennial reductions, rating the cost at \$19 20 2 46
Making the present duty \$7 54
Twenty per cent. on \$23, the cost here with freight, and expenses added 4 60

Making the reduction in first six months \$2 94
Or about fifteen per cent.

The price of bar iron in Wales the 3rd of April last has been stated to the 47 5s. which is equal to \$35 80
Allow for freight and other expenses 4 20

Cost here \$40 00
Duty by act of 1832 \$30 00
Deduct the four biennial reductions 7 16

Making the present duty \$22 84
Twenty per cent. July 1, 1842, on \$40 8 00

Making the reduction in first six months of 1842 \$14 84
Or about thirty-seven per cent. reduction of duty on the cost in Wales on the present rates paid. The quotations of nail rods in Wales in April last, 1841, was 45s 10s and hoops 410s, the average of these would be 47 5s. 6d.; but we will take 49 10s. as the average price of these and sheet iron, rods and other iron subject to the duty of three cents per pound, and the calculation and reductions will stand thus: \$49 10s. equal \$45 80
Say transportation and other expenses 4 40

Cost in our commercial cities \$50 00
The duty of three cents per lb. amounts to \$67 20
The four biennial reductions, the excess over 20 per cent. on the cost in Wales is 19 23

Leaving the present rate of duty \$47 97
Twenty per cent. on the cost here in 1842 say on \$50, is 10 00

Making the reduction of duty in 1842 per ton \$37 97
Or on \$45.60, the cost in Wales, of 85 per cent.*
On spikes, cut nails and some other articles the duty amounts to a prohibition.

The rates of reduction on window glass and pig lead, white lead, ready made clothing, shoes, boots, floor cloths, carpeting and many other articles will be very great. Of some of the above enumerated articles subject to these high rates of duty, large quantities have been annually imported. Of some, the home production has chiefly supplied the consumption, and of others entirely. The reports of the secretary of the treasury show the following amount of importations of some of the above enumerated articles:

	Value, 1836.	Value, 1837.	Value, 1838.	Value, 1839.
	Dollars.	Dollars.	Dollars.	Dollars.
Cotton manuf. 12,536,187	11,139,513	10,639,390	11,197,407	
Wool no ds. 12,758,130	14,243,348	6,767,500	10,616,067	
Iron & steel 12,992,641	11,119,513	9,148,534	6,768,291	
Wool costing over 8 cents per lb.			174,918	
Leather			1,305,793	
Glassware			659,474	
Rice cotton 2,222,728 pounds, amounting to			287,435	

In addition to the large amounts of these goods imported, the aggregate amount of the same articles produced in the country, is probably at least three or four times as much, and the effect on those branches of our manufactures by the great reductions of 1842 has already been stated. It is my opinion that on the articles of pig iron, bar iron, sheet, hoop and all sorts of rolled iron, nails, wire and steel, and on window glass, and white and other lead, and perhaps some other articles, which generally are of near intrinsic value, the duties imposed ought to be specific, and not ad valorem duties; because more easily ascertained, and not liable to be influenced by fraudulent or conflicting valuations or invoices, and also because it would prevent the fluctuations in the market here from being as great as under ad valorem duties, because the amount of duty being uniform, the duty paid, when low in the place from whence imported, will be the same as when high, and hence the difference in cost here would be only the difference in

*There is now, September 6, 1841, owing to the failure of crops, a great additional price in the price of pork is extremely low, with small demand, and also other provisions.

*I am informed that iron in Great Britain has recently fallen in price, so that the quotations here give a probably new about the prices in Liverpool; and I apprehend the allowance given for freight, &c. high enough.

price there, and not the fall in price there, and a corresponding fall in the amount of duty also.

I also believe that the duties on all articles imported into this country, and revenue duties should be paid, whenever taken into the possession of the importer or consignee to be brought into the market, as provided in the compromise act. This would have a tendency to check excess of imports, and to prevent fluctuations in the money market, and in the currency; for then, revenue duties should be paid, and be brought in, the demands for money to pay the duties would at once check such excess, and prevent those fluctuations which have so frequently occurred under the system of long credits heretofore given.

The peculiar state of the times which we are now experiencing, and which have been brought upon us by excessive importations, short crops and an expanded currency, have so diminished our national revenues, that some alterations or amendments in our tariff laws are required for the support of government. Hence the question arises, in what manner shall this be accomplished so as best to promote the general prosperity of our whole country? I am aware that there is a diversity of opinion on this important and difficult subject, and that our fellow citizens of the south believe that protection operates injuriously on them. But I am fully confident that if the principles of manufacturing, and the products of our manufactures, and particularly those of wool, iron and glass, and some others are not granted, many of them in the year 1842 will be compelled to cease operations and discontinue their business altogether, which will produce injury to the south as well as the north. Not can our revenue at any distant period unless the prices of labor and all the products of agriculture, partaking of the general depression which must follow, (without the occurrence of war or some unforeseen like cause), shall be so depressed that they can be reconstituted, and again put in operation under a new condition of our highly happy and prosperous country.

We have the best country, the best government, and the most intelligent and enterprising population in the world, and yet, by some wrong steps, we have got into some temporary difficulty, which, by pursuing the right course, may soon be retrieved; but before we do so, we must not let ourselves be voluntarily brought ourselves into still greater difficulty and distress, by running into the opposite extreme. Let us not adopt any plausible abstract theories in preference to tried and successful practice, and in grasping at a phantom lose a good and substantial one.

It has been found by experience, that in many cases protection diminishes prices by stimulating production and competition at home with the foreign, until the prices are reduced to lower rates than the same articles could be previously imported at from abroad.

In the articles of coarse cotton goods, shews, hats, and some other articles, the product of what is generally denominated mechanical labor, and perhaps cut nails and some products of our larger manufacturing establishments, I have no doubt but they are much cheaper, taking their superior durability into the account, than they would be if introduced into the market from the duties of the foreign, and our coarse cotton fabrics rival the foreign in foreign markets; and in many other articles, the competition of our own with the foreign, gives them to the consumer at cheaper prices than he would receive the foreign, with a revenue duty. But admitting that the articles come to the consumer at prices higher than they would be if the duties were taken off (which has been already shown is not the fact), yet the better market afforded to the farmer and planter for his products by the establishment of these manufactures among us, more than remunerates him for any small additional price he may have to pay in consequence of the duties. Hence the commerce of the country sustains our manufactures; our manufactures sustain our agriculture; and both contribute to our commerce; and when our agriculture, which is our greatest interest, is prosperous, it imparts its benefits to all other classes, by enabling them to consume more of the products of the country. If the farmer cannot sell he cannot buy; and when his crops are abundant, without a foreign demand, and prices are thereby reduced to one-half, the cities, towns and villages get their supplies of provisions for one-half the money they did before, and they have the other half on hand unavailable; and receiving but half as

much money, can expend but half as much for the articles they would desire to purchase; hence the merchant and mechanic gets but half employment, and so it is with all the trades, and does not half as much money, for rents and foreign goods do not fall in proportion. This is no fiction, but has been in a measure the condition of our country; and will be again, if free trade doctrines are to prevail. And as the prosperity or adversity of the north, as already stated, is the basis of the south, and the more or less degree, the cotton, rice and tobacco growing states are now in common with us, suffering from the causes already assigned.

If our southern statesmen would look to facts and practical results, instead of abstract theories of political economy, which, although true in theory, are in practice applicable to our country in its present condition; and could they be able to lay aside all prejudice, I firmly believe that they would see this subject as I do, and discover that it is for their true interest as well as ours to be willing, nay, desirous to afford to our existing manufactures a living protection, which is all that we ask; and this we consider that in the interests of our commerce, equity and good faith; and we are fully aware that a stimulating protection is injurious to the true interests of the manufacturers themselves, and we do not desire it.

This is a question involving great national interests, nay, our national independence, and should be considered in a different manner than it is. I am fully aware with a feeling of patriotism and concession, I believe that it would be easy to reconcile conflicting opinions; and that it would be discovered that the interests of our country are one and the same; that the same course of policy that will give prosperity to the east and north, and the middle and west, will also confer it on the south; and that we should not trust for much of our necessary supplies to any country which may soon be in hostile array to our enemy.

A certain amount of revenue is required for the support of our national government, which we trust all will admit, should be raised by duties on our imports, and which is raised by such discriminating duties as will enable our manufactures, already established, to continue operations, or shall be laid on all alike, without reference to that object; if affecting the interests of the south at all, I apprehend, for the reasons already given, that their true interests will be promoted by the adoption of the former course of policy. The usual estimate of profit on manufactures is ten per cent. per annum on the capital invested. At least half of this is spent and absorbed in wear and tear of machinery, decay of buildings, the support of family, &c. so that if you take from the income on his capital, and thereby raise his business, and leave him with only a living and no clear income; and reduce it ten per cent. and his means of subsistence from income is also gone, and his buildings and machinery rendered of no value, for the value of property is measured by its income, and if yielding no income, it is of no value, and is of no use to other purposes; and is it not evident, from the statements already given, that in many branches of our manufactures, the reductions in the first six months of next year are much over ten per cent?

It is said that the manufacturers will receive efficient support from a system of cash duties and home valuation provided for in the compromise act. I would let it examine this subject, and see how it stands. I have no practical experience in the importing business, nor have I made particular inquiries into this subject, but will give what I consider a liberal average estimate and allowance for them; and first, the cost of the goods to be imported, and nearly all other expenses of domestic manufacture are the same, and are, as before the article is brought into market, and hence the importers should pay cash for the duties to put them on an equal footing with the American manufacturer in this respect. Suppose the freight to be five per cent. on the cost, which, taking light and local charges, would be about six per cent. on very low priced goods, such as iron, salt, &c. are brought at very low rates of freight as ballast. To this we will add five per cent. more for insurance, commission and contingent expenses, making on what cost in Europe \$100, amount to \$110 landed here, and leaving the manufacturer \$10. If the tariff duty is \$100, the cost there or an addition of ten per cent. to the twenty, or nominally twenty per cent. and really twenty-two per cent. as the average duty on importation, so that what in England or France costs twenty cents, must bring here twenty-four, four cents per cent. more than the cost. If the goods are not subjected, that exchange on England is generally eight to ten per cent. above par, and should be taken into the account, I answer that this is merely nominal and not real, for the true par of exchange on England is about nine per cent. for in giving the quotations the pound sterling is rated at \$44.44, as fixed a long time

ago, whereas its real value is about \$4.84, and nine per cent. on \$4.44, brings it to about \$4.84, and nine gold sovereigns, being a pound sterling, sell for in our markets.

Our fellow citizens of the south complain that these protecting duties are onerous on them, and operate to our exclusive benefit. And that we are prosperous while they are depressed and suffering. If this last is so, I apprehend another and more correct reason may be given for the depression of the south, man, woman and child is employed in some kind of labor, and we work for and earn our own living and this being the case, and knowing how what we get for our labor comes, we are very economical, and take good care of our earnings; and hence we generally succeed in making ourselves a good living, getting some education, paying our debts, and have wherewith to be comfortable. How far these virtues are practised in the south, I have not so good an opportunity of judging. It is very common in this country to condemn the British and French corn laws, and to justify our protecting tariff on the ground of retaliation alone. I however conceive, that although this is a good example and ground of justification in us, and a confirmation of the policy of protection, and that we should follow it; yet I cannot see that the repeal of their corn laws would benefit us; for except in case of a failure of the crops on the continent of Europe, they will be supplied there from them; that is, the British grow wheat now stand, the bread stuffs of Canada are admitted with little or no duty; and ours going to Canada free of duty to supply its place, makes a market for some of our wheat, and to that may be chiefly attributed the recent rise in price here.

The repeal of British corn laws would change and unsettle the existing order of things there; and although I cannot by any means commend or justify that, yet I think it may be fairly questioned, in case the monarchy, hierarchy, and aristocracy are to be upheld and supported as at present, whether the repeal of their corn laws would operate more to good than evil for the nation; for it would be a great change, and might be injurious to them, and I cannot see that it would benefit us. It is true, there are thousands of people in those countries without steady and full employment, or means of subsistence, and ready to work at almost any rate of wages, and who might be put to work for the nation; for it would be a great change, so would the means, and the aristocracy and great land holders could not afford to consume as much, or give as much employment to labor, nor pay so much in taxes and poor rates, neither could the farmers, their tenants.

If we could act upon the principle of universal benevolence and philanthropy, and endeavor to benefit the suffering poor of Europe, then indeed should we lower our duties, and let the products of their labor come freely, and confer on them a benefit, provided their rapacious rulers did not lay additional burthens accordingly; but if we would prevent the poor and suffering population of our own country from sinking to a like desperate state, then give protection to the products of their labor. I therefore conceive "there is an urgent necessity" for an early alteration of the compromise act, and a general revision of the tariff at as early a day as practicable in the next session of congress; and if its details cannot be completed by the 1st of January, 1842, let the great reductions then to take place be postponed by resolution of that body.

The greater the variety and diversity of employments in a country, the better the opportunity for all persons to be profitably employed; and the more the variety of employments, labor is held out, the greater the amount of wealth, and the more the country is appropriated to manufactures that would otherwise lie unproductive or unemployed; and whatever poor females and children are employed in them, and the means of subsistence, by the products of their labor, education and industrious habits afforded them, is thereby secured to the country; and I believe that the amount of gain thus brought into the country is not less, and is more numerous, and almost incalculable; for in all communities that have become populous, there is some capital and much labor that is thus made productive, that without manufacturing establishments would be almost entirely lost to the community.

The question is not now whether we shall have manufactures or not, for we have them already, and cannot do without them; but whether we shall afford them such protection as will enable those we already have to go on now and continue their operations, or after the country is depressed to its lowest state, property sacrificed, labor deprived of employment, and property sacrificed, and other products reduced to the lowest rates, those who survive the shock shall resuscitate them under the new order of things thereby produced.

Let me inquire whether the country will be better off, independent of other considerations, by having 300 millions of dollars invested in foreign commerce, and our work shops 3,000 miles off, or with 150 millions in foreign, and 100 millions in domestic trade, and the other fifty millions devoted to production in agriculture and manufactures and released from the exchange of products? Is it not clear that the country has fifty millions more of productive capital, with a corresponding amount of productive labor for its own exchange? Its products are only made between the towns and adjoining country, or one town or state and another, much less capital and labor will effect it than if made with a foreign country.

A country that manufactures the articles of its own consumption, will support a much larger population and become more civilized, than a country that exports its cultural one; because then, not only the producers reside in the country, but the consumers also; and hence the population may be doubled, and a country that manufactures for export may sustain a still greater population.

There cannot be a doubt but that the high wages and full employment given to labor by our protecting tariffs, have been the means of greatly increasing emigration to this country, and have produced that result in three different ways: 1st, the high price for labor; 2d, the ready home market, and better prices given for our agricultural staples; and 3d, the diminished demand thereby caused for labor in Europe.

Will any one deny that emigration to this country has been one of the great sources of our power and greatness? and will any refuse to give encouragement to its continuance?

It is true, that many paupers and outcasts are thrown upon our shores; and it is also true, that hundreds of thousands of the best subjects of European princes, and the oppressed of all nations, yearly here find an asylum, and a hearty welcome in this land of peace, plenty, liberty and equality. Here the blessings of liberty may be enjoyed, and all may worship their Creator according to the dictates of their own consciences.

It is from emigration that we first became a nation, and from it we are rapidly adding to our national prosperity and importance.

My opinion is, that the whole tariff system requires a revision, and that a fair living protection should be given to our agriculture, and such of our manufacturing establishments as are already in existence; and can prosper with duties not to exceed the present rates paid; and that a fair protection should also be given to such other branches, if any, as are now carried out of the country. That the duties on spirits taxed high, and especially distilled spirits and wines. That necessary articles of consumption, now free of duty and not coming in competition with our own industry, shall, as far as is consistent with the requirements of the treasury, be left free; and those that must be taxed for revenue, shall be such as are not objected to by the rich than the poor.

Since the passage of the compromise act, it seems as though our manufacturers and farmers, who are most directly interested, have either lost sight of the actual condition of this subject under the slow and gradual reductions thereof, or else they have supposed that progress would be made, and never a revision of it hopeless; but I am of opinion that the great body of both have lost sight of it, and do not fully understand its operations, or the injurious effects it will produce on their business and the country in the first six months of the coming year, and a long time afterwards, if not changed.

I am aware that the same is some repetition in my statements and arguments, which in some cases are necessary to give different illustrations of the same facts, and have arisen in other cases from the fact, that the article was written at different intervals, as business engagements permitted. Gladly would I have been released from the labor bestowed on these subjects, but I conceive it to be a duty imperatively laid upon me; and if my feeble efforts shall be of any avail in bringing to it that consideration which it merits, I shall feel happy in having discharged my duty.

Freehold, N. J. Sept. 6, 1841.

THE McLEOD CASE.

Having registered the decision of Judge COWEN, of the supreme court of the state of New York, as to the jurisdiction of the state authority in this case we now insert a very ably written review of that decision, which is attributed to the pen of Judge TALLMAGE, of the superior court of the city of N. York, and has been universally admitted to be clear, precise and logical. It has elicited the concurring testi-

mony of several of the most eminent jurists in this country and agrees with the position taken by Mr. WEBSTER in his correspondence, and by John Quincy Adams in his recent speech in the house of representatives.

It is so far as it may operate as a precedent, in questions between the authorities of the states and of the general government as to jurisdiction that might lead to a dispute or war with a foreign power, that this case remains of vital importance, an importance with which Alexander McLeod individually has now nothing more to do.

REVIEW OF JUDGE COWEN'S OPINION,

IN THE CASE OF ALEXANDER McLEOD,

The importance of the questions involved in the opinion delivered by Judge COWEN, of the supreme court of the state of New York, in the case of *Alexander McLeod*, and the erroneous principles of national law put forth in that opinion, seem to require that the true doctrines involved in the case should be placed in a correct light before the country. To that end, we have ventured to embody the result of our examination of the subject in the following review of Judge COWEN'S opinion.

The opinion is deficient in methodical arrangement of the several positions taken and maintained by the judge; and this confusion is increased by a badly arranged citation of authorities, and a rambling mode of discussing the subjects. It is also much defective in being nearly double the length required to discuss the matters really in issue, even in Judge COWEN'S mode of discussing them. Why, for example, go through with an examination of the question whether our courts have jurisdiction, and a right to try a *foreigner* for a crime committed within our state, and quote the authorities bearing upon the subject to prove the jurisdiction, when a person, lawyer or layman, ever doubted it and when the judge himself finally says, "want of jurisdiction has not been put on the ground that *McLeod* was a foreigner."

The other branch of the question of jurisdiction, discussed at great length by the judge, seems to us an equal waste of time and labor. It is not a question of jurisdiction. *McLeod* does not involve any question of jurisdiction; for it must be conceded that our courts have jurisdiction over all cases of murder committed within the boundary of our state. *McLeod*'s case presents for consideration—not a question of jurisdiction, but a question of guilt or innocence; whether the homicide which he is charged be a crime according to the law of nations.

If a sheriff should, in pursuance of a sentence, hang a person convicted of murder, and after the execution it should be ascertained that the person executed was innocent, and a grand jury should thereupon impanel a verdict of acquittal, would the execution of the sheriff be null and void? No; for the execution of the sheriff would not interpose an objection to the jurisdiction of the court, but would rely for its defence and justification upon the fact of a conviction by a court of competent jurisdiction; thereby showing that the homicide in him was not a crime.

So also if a soldier should be tried by a court martial, sentenced to be shot; and, after his execution, those engaged in it should be indicted for murder; their defence would not be a want of jurisdiction in the state court, but a justification before that court, under a regular court martial, conviction and sentence, thereby showing that the homicide was not a murder.

Suppose after the peace with Great Britain, a British soldier had come within our state, and had been arrested and indicted for murder committed in the attack on Buffalo during the war; he would not think of raising a question of jurisdiction in the court, but would rely on the law of nations to justify the homicide, and relieve him from the charge of crime. It is a question of the jurisdiction of the state court raised, it necessarily admits the charge or claim preferred. The plea to the jurisdiction is one of confession and avoidance; surely the counsel of *McLeod* never intended to admit, for a moment, the crime of murder, with which he was charged, and seek to escape the consequences by alleging that the court had not jurisdiction over the offence! In this part of the opinion, therefore, we think the judge must have been fighting a shadow of his own casting.

There is, also, another part of this opinion, and no inconsiderable part of it, that appears to be a want of learning and authorities. It is that part in which the judge probes, beyond question, "that every voluntary entrance into neutral territory, with hostile purposes, is absolutely unlawful;" yet, after an elaborate discussion of this question, a citation of authorities at great length to prove the *unlawfulness* of the violation of our territory by England, the Judge

says, "that the act was one of mere arbitrary usurpation, was not denied on the argument; nor has this, *that I am aware of, been denied by any one except England herself.*"

We concede that the authorities cited show that the hostile attack upon the Caroline, and the violation of our territory, was unlawful; that is, without adequate cause; but not one of all the authorities which pronounce a violation of territory unlawful, denounce upon the military of the nation, under whose authority it is done, any personal penalty.

If we examine history, we shall find that quite as many wars have been commenced without, as with adequate cause, when tested by the general reason and sense of mankind; yet no one ever thought of making that the test of the impunity belonging to the military offence. Such a test can only be applied to controversies between individuals, where there is a common arbiter or judge to decide; never between nations, who admit no judge but themselves. The argument, therefore, on the side of *McLeod*, is not at all weakened by not denying that the attack was unjustifiable on the part of his nation.

In the examination of this subject, we shall concede what has never been denied, and what has taken so much of this learned opinion to prove, to wit: that a foreigner is liable to be tried by our courts for crimes committed within the state; that the courts have jurisdiction over all persons committed within the state; and for the sake of the argument, that the hostile expedition, in which the Caroline was burned, and *Durlee* killed, was an unlawful violation of our territory.

We proceed, then, to the discussion of the main question involved in this case, to wit, whether *McLeod* is entitled to the impunity of a soldier in time of war.

The points sought to be established by the affidavit of *McLeod*, are thus concisely stated by Judge COWEN:

"That the Niagara frontier was in a state of war against the contiguous province of Upper Canada; that the homicide was committed by *McLeod*, if at all, as one of a military expedition, set on foot by the Canadian authorities to destroy the boat Caroline; that he was a British subject; that the expedition crossed our boundary, sought the Caroline at her moorings in Schlosser, and there set fire to and burned her; and that the acts of our citizens, as it is lawful to do in time of war."

From such a state of facts Judge COWEN takes his position in relation to the rights and liabilities of England and her military, as follows:

"I deny that she can, in time of peace, send her men into our territory, and send them upon missions to our laws, by emboldening them and arming them in their hands. She may declare war if she elicits the benefit of peace, as both nations have done in this instance, the moment any of her citizens enter our territory, they are as completely obnoxious to punishment, by our law, as if they had been engaged in any crime against our laws."

"I will not, therefore, discuss the construction which counsel put upon the language or the acts of England. To test the law of the transaction, I will enquire that she had, by act of parliament, conferred all the power which can be contended for in behalf of the Canadian authorities, as far as she could do so."

This, we confess, is meeting the question boldly; and we accept, for the sake of the argument, and for the present, the concession of the sufficiency of the power conferred on the Canadian authorities. Before we leave the subject, however, we will dispense with this concession, and establish the sufficiency of this power, by showing that Congress has constructed it upon the question as before stated by Judge COWEN.

It applies to it the law of nations, as follows: "To warrant the destruction of property, or the taking of life, on the ground of public war, it must be what is called *lawful war* by the law of nations, a thing which can never exist without an *actual* Congress, or a Congress in session. This, on the part of the United States, is Congress; on the part of England, the *quon*. A state of peace and the continuance of treaties must be presumed by all courts of justice till the contrary be shown; and this is a *presumptio juris et de jure*, until the national power of the country in which such courts sit, officially declares the contrary."

Now the entire error in the opinion of the judge arises from the erroneous principle of international law which he here lays down.

All will agree that the war which affords impunity to those who violate the laws of a belligerent, is not by the term *lawful war* is not meant a *defensive* and *formal war* only; on the contrary, it comprehends every description of war, except hostile expeditions set on foot for purposes of plunder and pillage, without any apparent cause.

Kaufmann says: "If one nation seizes the goods of another nation by force, upon account of some dis-

mage, &c., such contentions by force are reprisals.—There are by no means *dicta* of *h. h. h.* under the name of reprisals, such as the besieging each other's towns, or the sinking of each other's fleets, whilst the nations in other respects are at peace with each other.—These are public wars, because nations are the contending parties. But as they are confined to some particular object, they are of the imperfect sort, &c." *B. iii. c. 9, s. 10.*

In opposition to this authority, it will be seen that Judge Cowex starts with the proposition, that so long as the entire peace of the two nations is not broken up—in other words, until congress shall declare war against England, or the queen of England against us, there cannot be a state of war that will warrant the destruction of property, or the taking of life in conflict, on either side. To convert that proposition, we bring not only Rutherford, as above cited, but Vattel, in language it possible still more explicit.—*B. iii. c. 9, s. 167.*

"A war lawful and in form, is carefully to be distinguished from an unlawful war entered 'on without any form, or rather from those incursions which are committed either without lawful authority or apparent cause, as if the rights of the nations were at peace, for larceny and pillage. Grotius, b. iii. chap. 3, relates several instances of the latter. Such were the wars of the *Grandes Compañias*, which had assembled in France during the wars with the English; armies of banditti which ranged about Europe purely for spoil and plunder, and such as were committed without open commission and in time of peace; and such in general are the depredations of pirates. To the same class belong almost all the expeditions of the African corsairs, though authorised by a sovereign, they being founded on no apparent just cause, and whose only motive is the avidity of gain. I say that such wars are unlawful and unfair, are to be carefully distinguished; their effects and the rights arising from them being very different."

Here we have Vattel, distinguishing all the hostile collisions of nations into "two sorts of wars," the one sort being undertaken "without apparent cause, and for 'harve and pillage,' and all that do not come under the denomination of a proper sort. Having thus divided wars into two sorts, the one he calls *unlawful war*, the other *lawful*."

Vattel does not, like Judge Cowex, call all wars unlawful that are not formally and solemnly declared by the "war-making power" of a government, but he pronounces all hostile attacks lawful wars, if made with authority, and for "apparent cause," and not for "pillage and larceny."

Chancellor Kent, too, admits that a formal declaration of war is not essential to make the war *lawful*. All that is required to make a lawful war is, that the hostilities be authorised by the proper authorities.—*1 Kent Com. 54.*

"Since the treaty of Brinkershoek, it has become settled in the practice of Europe, that war may lawfully exist by declaration which is unilateral only, or without a declaration on either side. It may begin with mutual hostilities. In the war between England and France, in 1778, the first public act on the part of England was recalling its minister; and that single act was considered as a breach of the peace, and the peace between the two countries. There was no other declaration of war, though each government afterwards published a manifesto, in vindication of its claims and conduct. The same thing may be said of the war which broke out in 1793, and again in 1803. The first declaration was a breach of the peace, and a formal declaration of war in the *unilateral* style, was made in June, 1756, various hostilities had been carried on for a year preceding."

In the same explicit manner Rutherford speaks, denying the necessity of a declaration of war to make the war lawful:

"It is only a real effect of a declaration of war is, that it makes the war a general one, or at least, that the whole nation against another whole nation, whilst the imperfect sorts of war, such as reprisals, or acts of hostility, are confined to particular persons, or things, or places."—*Ruth. B. 2, ch. 9, s. 8.*

These questions do not depend entirely upon the opinions of celebrated writers on national law. They have been illustrated by judicial decisions, in cases of hostilities upon the ocean.—*Dobson's Admiralty Reports*, 247.

A declaration of war was issued by Sweden against Great Britain, on account of the encroachments of the latter upon her rights as a neutral nation. It was considered before Sir William Scott, that the two countries were not in a state of war, and that the declaration was *unilateral* only. "I am, however, perfectly clear," says Sir William Scott, "that it was not less a war on that account; for war may exist without a declaration on either side. It

is so laid down by the best writers on the law of nations. A declaration of war by one country only is not, as has been represented, a mere challenge, to be accepted or refused at pleasure by the other. It proves the existence of actual hostilities, on one side at least, and puts the other party also into a state of war; though he may, perhaps, think proper to act on the defensive only."

Thus, it will be perceived, a lawful war may be commenced without any formal declaration, and it may be manifested by an act of hostility, without any previous notice, and whether it become a general one or an imperfect war, depends upon the extent to which hostilities are carried. It will always be a *lawful war*, if the hostilities are authorised by the proper authority, and are not mere waaton depredations, without any apparent cause.

Are the military engaged in such hostile attacks personally responsible?

The same principle of impunity applies to hostilities upon the land or sea. When they are *waanton and malicious*, and for *plunder and spoils*, at sea, they are called *piracy*. Hostilities by land, from similar motives, are called *robbery*. Hostilities, in general, therefore, in relation to hostilities at sea, and the impunity or liability of vessels and crews, furnish the rule of impunity or liability to be applied to the military, in cases of hostilities upon land.

Wharton, 41, Story says: "A piratical aggression by an armed vessel sailing under the regular flag of any nation, may be justly subjected to the penalty of confiscation for such a gross breach of the law of nations. But every hostile attack, in the time of peace, is not necessarily *piratical*. It may be by mistake, or in necessary self-defence, or to *repel a supposed meditated attack by pirates*—it is justifiable and then no blame attaches to the act, or it may be without just excuse, and then it carries responsibility in damages. If it proceed further; if it be an attack from revenge and malignity, from *gross abuse of power* and settled purpose of mischief, it then assumes the character of private unauthorised war, and may be punished by all the general laws which the law of nations can properly administer."

The same principle is recognized in 1 Kent's Com. 188: "An alien, under the sanction of a national commission, cannot commit piracy while he pursues his authority. His acts may be hostile, and his nation may be punished by all the general laws which the law of nations can properly administer."

How perfectly does this principle cover the case in question. The attack upon the Caroline was hostile and unlawful, and the British nation must be held responsible for it. It amounts to a lawful cause of war, but they are engaged in acting under lawful authority, can never be regarded as *robbers or plunderers*, or liable to be punished criminally.

This principle has been fully recognized in the judicial decisions of the English courts. We have not the case at hand as reported, and therefore avail ourselves of it as extracted by Chancellor Kent.—*1 Kent Com. 190.*

"In the English admiralty, in 1801, it was contended that the capture and sale of an English ship, by *Algerines*, was an invalid and unlawful conversion of the property, on the ground of being a *piratical seizure*. It was, however, decided that the African nation had the character of a nation of sovereign governments, and that though their notions of justice differ from those entertained by the Christian powers, their public acts could not be called in question; and a derivative title, founded on an *Algerine capture*, and matured by a confiscation, in their way, was good against the original owner."—Citing *The Helena*, 4 Rob. 3.

Shall it be said that an English court has held an Algerine capture lawful, because made under the sanction and authority of that government; and a title thus acquired valid against the original English owner of the captured vessel; and yet the supreme court of New York decide that a hostile attack upon a vessel had been engaged in, acting under the sanction of the British government, shall not protect the military engaged in it from the punishment due to cold-blooded murder? We regret to say it has been so said and decided.

The decisions of the courts of England and the United States, in regard to the impunity of vessels and crews engaged under the character of national governments, are decisions merely carrying out principles long since adopted by the most approved elementary writers upon national law, and giving to those principles the authority of solemn adjudications by the highest judicial tribunals of the world.

These judicial writers, who speaking of war generally, and more particularly in reference to hostilities upon land, hold that whenever the hostile attack is made under the authority of government, it

becomes an affair between the two nations, and no individual responsibility rests upon the actors.

Thus, Vattel, speaking of war that is unjust on the part of the sovereign who waged it, but lawful, because not without apparent cause, and not for havoc and pillage, says:

"But as to the reparation of any damage—are the military, the general officers and soldiers obliged, in consequence, to repair the injuries which they have done, not of their own will, but as instruments in the hands of their sovereign? It is the duty of subjects to support the claims of their sovereign just and wise," &c. When, therefore, they have lent their assistance in a war which is afterwards found to be unjust, the *sovereign alone is guilty*. He alone is bound to repair the injuries. The subjects, and in particular the military, are innocent; they have acted on from a necessary obedience. "Government would be impracticable, if every one of its instruments were to weigh its commands," &c.—*Vattel, b. iii. c. 11, sec. 187.*

"Nothing of all this takes place in a war void of form and unlawful, *where properly called robbery, being waanton*. It is not productive of so much as *apparent cause*. It can be productive of no lawful effect, nor give any right to the author of it. A nation attacked by such sort of enemies, is not under any obligation to observe towards them the rules of war in form. It may treat them as robbers."—*Vattel, b. 3, c. 4, s. 68.*

Thus we have "these two sorts of wars, lawful and unlawful," carried through by Vattel to their consequences; and all persons engaged are entitled to have "observed towards them the rules of war," except those engaged in "incursions committed without apparent cause, and only for havoc and pillage."

The same position in regard to the immunity of soldiers is also maintained by Rutherford:

"The external lawfulness of what is done in a war, in respect of the members of a civil society, extends to public wars of the imperfect sort, to acts of reprisals, or to other acts of hostility, &c."—*B. ii. c. 9, s. 15.*

And again he says: "Neither for the reason of the thing, nor the common practice of nations, will give them any other impunity, or allow them any otherwise to obtain property in what is taken, where war has been declared, than in the less solemn kinds of war, which are made without a previous declaration." &c. "In the less solemn kinds of war, which the members do who let the parties contend in direction and authority of their nation, is by the law of nations no personal crime in them; they cannot, therefore, be punished consistently with the law, for any act in which it considers them only as the instruments, and the nation as the agent."—*Idem, b. ii. c. 9, s. 18.*

We here leave this branch of the case, believing that our readers, from our citation of authorities, must be satisfied that, if the expedition in which *McLeod* is said to have been engaged, was executed under lawful authority, he was guilty of no personal crime in the violation of our territory, the destruction of the boat, or the death of Durfee.

We now proceed to show that the hostile attack took place under lawful authority.

It should be borne in mind that Canada is separated from its mother country by an ocean of three thousand miles. That a revolution was attempted in Canada, and the disaffected of the colony had not only the right to resist, but were generally, but were, to a great extent, countenanced and aided by our citizens residing upon the borders.

Under these states of things, the British government gave orders and authority to the chief officer in Canada for his instruction and guidance in meeting the difficulties then presented and anticipated.

Not being then able to find force to take place, the authority was made as general as the nature of the case would admit, and the exigencies seemed to require; and was, no doubt, intended to vest in the chief officer in Canada power to do whatever the home government would have done under like circumstances. It was, says the British minister, "empowered to take any measures which he might think proper for this protection, and which might be necessary for the defence of her majesty's territory, and for the protection of her majesty's subjects."

This is a power most general and extensive in its terms. The object is, the protection of her majesty's territory and subjects. To insure this end, the Canadian authorities are authorised to do any act necessary for this protection, and this authority is given in the nature of things, depend upon the judgment and discretion of that officer. The authority does not limit the officer to any specified measures, or confine his defence to the Canadian territory. As England might, in defence of her Canadian subjects and territory, authorise her Canadian minister in Canada, under such circumstances as presented themselves to the Canadian authorities, it would seem to follow that

the Canadian officers had power, under their orders, to do the same thing.

By saying that the sovereign of England might authorize such a hostile attack as was made on the Caroline, we do not intend to say it would be an attack that could be justified to the world. We only intend to say that it would be so far justified or excused as to be a British iniquity to the military acting under such an order.

But have we a right to scrutinize and limit an authority of this kind, whilst England sanctions the act done under it, and when the object and effect of such limitation is, to make murder of an act, which, under a liberal construction of the power, would render the accused innocent of the slightest guilt?

In a review of "Wharton's Elements of International Law," we find the following apt illustration of the right of a nation to give construction to its own commissions:

"If a state extended its protection to its lawless subjects, committing violence out of its local jurisdiction, there would be endless disputes with other states, and probably a great delay in settling them. On the other hand, if an officer duly commissioned in war by one state were to be punished by another for exceeding or deviating from the purport of his commission, the commissioning power could not be expected to rest satisfied with the judgment of the foreign court on the construction or execution of its own commissions. Cases of this kind which necessarily occur between the two powers would be embarrassed by a questionable punishment, in addition to the original cause of complaint." [British and Foreign Review, 11th vol. p. 158.]

We think the construction which we give to this power receives confirmation from *Burlington*, ch. 4, sec. 3, *supra*. In that case, the chief justice, in giving the opinion of the court, says: "They cannot lawfully undertake any act of hostility of their own head, and without a formal order of the sovereign, at least reasonably presumed, in consequence of particular circumstances."

But England approved this act, by not immediately disclaiming it, by knighting Mr. Nab, the chief perpetrator of it; and the British government, by not once embracing within the powers conferred upon the Canadian authorities. Mr. Fox, the British minister, in a communication to our government, says:

"The transaction on account of which *McLeod* has been arrested, and is now put upon his trial was a purely military character, planned and executed by persons duly empowered by her majesty's colonial authority to take any steps and do any acts which might be necessary for the defence of her majesty's territories and for the protection of her majesty's subjects; and that, consequently, those subjects of her majesty who engaged in that transaction, were performing an act of public duty for which they cannot be made personally and individually answerable to the laws and tribunals of any foreign country."

But Judge Cowen denies that an approval by the British government can, in any way, operate to screen *McLeod* from the punishment due to the crime of murder, for the part he is supposed to have taken in the attack. To maintain this position, the learned judge goes into an elaborate citation of authorities, which, to avoid the appearance of injustice towards him, we here transcribe:

"An order emanating from one of the hostile sovereigns, will not justify to the other every kind of transgression. The case of spies has been already mentioned. An emissary sent into a camp with orders to corrupt the adverse general, or bribe the soldiery, would stand justified to his immediate sovereign."—*Fattel*, b. 3, ch. 10, sec. 180; though even he could not legally punish a refusal. In respect to military orders, there could be no objection to the exercise of jurisdiction. The emissaries sent by Sir Henry Clinton, in 1781, to seduce the soldiers of the Pennsylvania line falling into the hands of the Americans, were condemned and immediately executed. 4 *Marsh. Life of Wash.* 366, 1st ed. Entering the adverse camp to receive for a traitorous purpose the general is an odious and every species of the sovereign and employee. *Fattel*, b. 3, ch. 10, § 181. Yet in the case of Major Andre, an order to do so was, as between the two hostile countries, held to be an excess of jurisdiction.

"These cases are much stronger than any which could be supposed to justify a nation at peace. In time of peace, every citizen, while within his own territory, has a double right to suppose himself secure; the legal inviolability of that territory, and the solemn pledge of the foreign sovereignty.

"*Burlington* seems to consider such an act of the subordinate officer approved, unless the sovereign officer disclaims it. *Burl* 4, ch. 4, sec. 19, quoted at length, *herein* et.

"The distinction that an act valid as to one may be void as to another is entirely familiar. A man who orders another to commit a trespass, or approves of a trespass already committed for his benefit, may be bound to protect his servant, while it would take nothing from the liability of the servant to the party injured. As to him, it could scarcely have the effect of adding another defendant, who might be made jointly or severally liable with the actual wrong-doer. A case in point is mentioned by *Fattel*, b. 3, ch. 2, § 15. If one sovereign order his recruiting officer to make enlistments in the dominion of another in time of peace between them, the officer will be hanged notwithstanding the order, and war may also be declared against the offending sovereign. *Id.* a like instance *id.* b. 1, ch. 6, § 75.

"What is the utmost legal effect of a foreign sovereign, approving of the crime his subject committed in a neighboring territory? The approval, as we have already in part seen, can take nothing from the criminality of the principal offender. Whatever obligation his nation may be under to save him harmless, this can be absolutely done only on the condition that he confine himself within her territory."—*Fattel*, b. 3, ch. 6, § 74. Then, by refusing to make an exception, that he confine himself to his own land from the injured country, or by approving the offence, the nation, says *Fattel*, becomes an accomplice.—*Id.* 5, 6. Blackstone says, an accomplice or abettor; (4 *Com.* 68.) and Rutherford, still more nearly in the language of the English law, an accessory before the fact; b. 1, ch. 3, § 12. No lock supposes that such an act merges the original offence, or renders it imputable to the nation alone."

The rights and duties of nations are not, in general, happily illustrated by reference to the rights, duties, and liabilities of individuals. In relation to matters of this class, public law judges, we are told, that the effect of another person's approving it might make him a trespasser also, and would not discharge the liability of him who actually committed it; and the reason is, that the approver had no more right to make the entry than the actual trespasser.

We think it cannot fail to strike every one, that the exercise of power by Judge Cowen, without the authorization or approval by the sovereign cannot protect the criminal, are all cases where the act done is unlawful in itself, whether committed by sovereign or subject. The enlistment of soldiers in the dominions of another nation, without their consent, is, by the law of nations, a crime, whether the enlistment is effected by a treaty in person, or by a recruiting officer.—*Fattel*, b. 1, ch. 6, sec. 75.

Spies also are not the less criminal because they are authorized by their sovereign, since the sovereign could not himself lawfully act the spy.

We cannot better answer Judge Cowen's objection to our head than by transcribing one of his examples, and annexing to it a quotation of his from Locke:

"Suppose a prince should command a soldier to commit adultery, incest, or perjury; the prince goes beyond his constitutional power." So says Mr. Locke (on Gov. B. 2, ch. 19, sect. 239) of a king even in his own dominions. "In whatsoever he has no authority, he cannot have a claim; and may be resisted; for where soever the authority ceases, the king ceases too, and becomes like other men who have no authority."

Examples to show that a subject may not do an act, with or without his sovereign's authority, fall far short of showing that the act he may do without the approval of his sovereign, may not receive equal publicity from a subsequent approval of the act by that government, as if it had directed it originally.

We have already, as we think, established the position, that the hostile violation of our territory, resulting in the destruction of the Caroline and the killing of Durfee, had the same legal effect as if the British government would have protected the military engaged in it from any personal liability. We now maintain that the subsequent approval of the attack, especially under the circumstances of the original order and the situation of the mother country in relation to her colony, and of Canada in relation to our border, furnishes equal impunity and protection to all concerned in it.

The authorities quoted by Judge Cowen on this head, as we have already shown, do not in the slightest degree impugn the correctness of this position; while the authorities we shall now produce will fortify it.

"*Burlington*, 4, ch. 4, sec. 18.—'A mere presumption of the will of the sovereign would not be sufficient to excuse a governor or any other officer who should undertake a war, except in case of necessity, without either a general or particular order. For it is not sufficient to know what part the sovereign takes, but probably act if he were consulted in such a particular posture of affairs; but it should rather be considered in general what it is probable a prince

would desire should be done, without consulting him, when the matter will bear no delay and the affair is dubious.

"Now certainly sovereigns will never consent that their ministers should, whenever they think proper, undertake without their order a thing of such importance as an offensive war, which is the proper subject of the present inquiry."

Sec. 19.—"In these circumstances, whatever part the sovereign would have thought proper to act if he had been consulted; and whatever success the war undertaken without his order may have had; it is left to the sovereign, whether he will ratify or condemn the act of his minister. If he ratify it, this approbation renders the war solemn, by reflecting back, as it were, an authority upon it; so that it obliges the whole commonwealth. But if the sovereign should condemn the act of the governor, the hostilities committed by the latter ought to pass for a *suus* delictus, the fault of which by no means affects the state, provided the governor is delivered up and punished according to the law of the country, and proper satisfaction be made for the damages sustained."

§ Peters, 522.—Story, speaking of the seizure of an American vessel and cargo by a Spanish vessel, says:

"If she had a commission under the royal authority of Spain, she was beyond question entitled to make the seizure. If she had no such authority, then she must be treated as a non-commissioned cruiser, entitled to seize for the benefit of the crown; whose act, *Calvo* says, is not binding on the crown, or its competent authorities, become equally binding. Nothing is better settled, both in England and America, than the doctrine that a non-commissioned cruiser may seize for the benefit of the government; and if his acts are adopted by the government, the property, when condemned, becomes a droit of the government."

Upon these authorities, and for the reasons before stated, we have come to the conclusion, that the approbation of the attack by the British government has removed all doubt about the sufficiency of the original authority of the Canadian officers.

We have thus far discussed this matter, as if the question, as to the relation between the United States and Great Britain stands as the British government in the matter of this attack, was an open one—one in which the judiciary of the country is at liberty to decide by a direct application of the principles of the law of nations to the facts as they might be established by proof; and in this view of the matter, we feel confident that the result would be, *the facts and the law*, that the attack upon the *Caroline* was made upon sufficient authority from the British government; or, if the authority was in any respect equivocal, that it has been ratified by the British government, so as to require of the judiciary of the country, upon the facts as they are, an judgment in establishing the personal impunity of the military engaged in the expedition.

We now propose to show that the character of the expedition against the *Caroline*, and the relation in which the two countries stand in reference to it, has been settled and decided by our government to be that of *blatant war*;—the *imperfect* sort; and that acts of justice are not at liberty to pronounce a different judgment from that pronounced by the government of the country.

Has our government determined the relation in which the two countries stand to each other in reference to the impunity to which *McLeod* is entitled, as being a British subject?

In May, 1838, shortly after the destruction of the *Caroline*, in a communication to the British government, our minister, Mr. Stevenson, characterized the attack as "an invasion of the territory and sovereignty of an independent nation by an armed force of a friendly power; and Mr. Webster, secretary of state, in his answer to Mr. Fox, of the 23d. April, 1841, says: "the government of the United States has not changed the opinion which it has heretofore expressed to her majesty's government, of the character of the act of destroying the *Caroline*."

Can language be better adapted to define the first act of war by one nation against another, where there has been no previous declaration of war, than that employed by Mr. Stevenson to characterize this attack by Great Britain?

So long ago, then, as May, 1838, the executive department of our government determined that the attack upon the *Caroline* was an act of war, and as far as that act of hostility was concerned, placed the British government in that relation to our own.

In the letter of Mr. Webster, before referred to, he recites the ground upon which the British government placed the hostile attack, so far as the military engaged in it are concerned, and the assent of our government to that view of the matter.

Mr. Webster in his letter, says: "The president inclines to take it for granted that the main purpose of the instruction was, to cause it

to be signified to the government of the U. States that the attack on the merchant "Caroline" was an act of public force, done by the British colonial authorities, and fully recognised by the queen's government at home; and that, consequently, no individual concerned in that transaction can, according to the just principles of the laws of nations, be held personally answerable in the ordinary courts of law, as for a private offence; and that upon this avowal of her majesty's government, Alexander McLeod now imprisoned on an indictment for murder, alleged to have been committed in that attack, ought to be released, by such proceedings as are usual and are sufficient to the case.

After this recital of the position in which the British government places the matter, Mr. Webster, speaking in behalf of our government, says:

"The communication of the fact that the destruction of the 'Caroline' was an act of public force, by the British authorities, being formalized to the government of the United States by Mr. Fox's note, the case assumes a decided aspect.

"The government of the United States entertain no doubt that, after this avowal of the transaction as a public transaction, authorized and undertaken by the British authorities, the individual concerned in it ought not, by the principles of public law and the general usage of civilized states, to be held personally responsible, in the ordinary tribunals of law, for their participation in it. And the president presumes that it can hardly be necessary to say that the American people, not desirous of the ability to suppress public wrongs by public means, cannot desire the punishment of individuals, when the act complained of is declared to have been an act of the government itself."

In a letter of instructions to the attorney general, which was also communicated to Mr. Fox, Mr. Webster says:

"That an individual forming part of a public force and acting under the authority of his government, is not to be held answerable as a private trespasser or malefactor, is a principle of public law sanctioned by the usages of all civilized nations, and which the government of the United States has no inclination to dispute."

Judge COVEX makes a criticism upon the communication of the British minister, which, perhaps, requires a passing remark. He says:

"Even the British minister is too busy to call it *war*; the British government do not pretend it was *war*; the words in a promise, indicative of an undertaking to warrant, amount, in law, according to '*Comen's Treatise*, to a warranty, without the use of the term *warrant*, so, in the letter of the British minister, a description of hostilities that by the law of nations constitutes an act of *war*, is termed a general assertion in terms that it was *war of the imperfect sort*."

But the judge, evidently not feeling much confidence in his criticism upon the British minister's communication, afterwards seems to admit that our government, so far as it could, had decided the question in regard to the character of the hostile attack, and, consequently, in regard to the individual liability of those concerned in it.

The language of the judge is this:

"But it is said of the case at bar, there is more than a mere approval by the adverse government; than at explanation has been demanded by the secretary of state, and the British ambassador has insisted on McLeod's release, and his counsel claim for the joint decision of the latter states. And it is said that such effect upon the powers of this court as a *certiorari* from us would have upon the county court of general sessions. It was spoken of as incompatible with the judicial proceedings against McLeod in this state, as a suit actually pending between the two nations; and the action in this court, if the government comes in collision with and supercedes our own."

"To such an objection the answer is quite obvious. Dictation is not a judicial but executive function; but the objection would come with the same force, whether it were urged against proceedings in a court of this state or in the federal court."

The judge insists that "the executive power has charge of the question in its national aspect only," by which, from the context, we must understand, that the two governments may agree that the hostile attack was of that character which furnishes impetus to the military concern, yet the courts, *for the purpose of the law*, may determine otherwise, and inflict criminal punishment upon the offenders! How "the executive power has charge of the question in its national aspect," and yet its decisions be void of all efficacy and effect upon the subject decided upon, is a question that all our statesmen and jurists will admit cannot be answered. It is a question, issue any mandate to a court to carry its determination into effect, or remove a cause, or withdraw a suitor or criminal from the custody of the

courts. But its decision becomes binding upon all courts or tribunals where the question arises; and thus the executive department of the government "has charge of the question in its national aspect," and the law makes its decision all-powerful and efficient.

It can hardly be necessary to resort to any course of reasoning, or to the citation of authorities, to show that the executive of the United States possess all the power in regard to the matter in question that usually belongs to the executive department of every government.

"The command and application of the public force to execute the law, maintain peace and resist foreign invasion, are powers obviously of an executive character, and require the exercise of qualities so characteristic of this department, that they have always been exclusively appropriated to it, in every well-regulated government upon earth."—1 Kent's Com. 282.

The memorable attack of the British ship of war *Leopard*, Capt. Humphreys, upon the frigate *Chesapeake*, Captain Barron, in which several American sailors were killed, became the subject of discussion between the two governments, and ended in an official declaration, amongst other things, that England offered "the American government a suitable pecuniary provision for the sufferers in consequence of the attack on the *Chesapeake*, including the families of those seamen who unfortunately fell in the action, and of the wounded survivors." Could Capt. Humphreys have been proceeding against in a court of our country, and held personally responsible, notwithstanding the executive department of our government had settled the whole matter with the British government? There cannot be a doubt, as we think, that this adjustment of the matter, "in its national aspect," was an adjustment of the matter in every aspect, and binding upon all courts and tribunals of the country.

This principle has been judicially recognized in England. There where the executive department of the government has determined the relation in which the British government stands towards any other country, in regard to hostilities, such decision is conclusive, and in all the courts precludes any further examination or agitation of the question.

15 East. 81.—This was a case of insurance, and the case turned upon the question whether the trade to St. Domingo was, at that time, with a country at war with England.

Lord Ellenborough says, this is a grave question, and depends in a great measure upon the considerations of the orders in council which have been referred to. I agree with the master of the rolls in the case of the *Pelican*, that it belongs to the government of the country to determine in what relation of peace or war any other country stands towards it, and that it would be unsafe for courts of justice to take upon them, without that authority, to decide upon these relations.

"But when the crown has decided upon the relation of peace or war in which another country stands to this, there is an end of the question; and in the absence of any express pronouncement of the will of the sovereign in that respect, it may be collected from other acts of the state. The master of the rolls, in the case of the *Pelican*, lays down the rule generally 'that it belongs to the government of the country to determine in what relation any other country stands to this, and that the courts of justice cannot decide upon the point;' and Lord Mansfield, in the case of *the Betsy*, said that they cannot decide *adversely* to the declaration of the sovereign upon that point.

"For want of a declaration by the crown at one period, different verdicts were given in different cases, in respect to commercial adventures of the two nations, *the Betsy*, *the Boscawen*. But lords and jurists have since uniformly decided in one way, and cannot do otherwise than decide *separately* in regard to *probate* in such particular cases without regard to other proof in other cases."

This let it be remembered, was a private litigation between individuals; and the court held that the determination of the government, as to the relation in which another government stands towards it, controlled the rights which it may understand to be a part of the question. How much stronger is the reason for the application of the rule to our country and government.

Without such a rule, conflict and collision arise between the executive and judicial branches of the general government, and between the general and state governments.

Mr. Buchanan, of the senate, has well described the conflict which such adverse decisions, between the executive and judicial departments of the government, would produce.

"If judicial authority will be on one side of the question, and executive government on the other. Whilst the judiciary decide that McLeod is free, the executive will decide that he is not."

very decides that he is not. By prejudging this pending judicial question, the secretary has placed himself in an awkward dilemma, should the supreme court of New York determine that the recognition and justification by the British government of the capture of the *Chester* should not release McLeod from personal responsibility."

The mode of remedying this difficulty, and preventing such conflicts in the two departments of government, suggested by Mr. Buchanan, is, we confess, most extraordinary. It is that the secretary of state, representing the executive department of government, should demand the decision of a question pending with a foreign government until the question shall have been judicially decided; and this course is suggested even in a proceeding where the government is not a party, and where a decision may be delayed until those interested in the question see fit to bring the matter to a close.

Our remedy for what Mr. Buchanan calls this "awkward dilemma," is the rule which prevails in England; when the executive department has decided a question between our own and a foreign government, which properly belongs to the executive department to decide, the judicial department is to abide by such a rule. Such a rule produces consistency and harmony in the management of the general government, and prevents all collision with the judicial departments of the state governments. Without such a rule, the intercourse of our government with other nations becomes empty diplomacy, where national matters, discussed and settled by the proper executive department, are not only disregarded by the judicial department of the government, but are perfectly annulled by adverse decisions and judgments, and executions carrying into effect those judgments.

If, in England, the determination of the government as to the relation in which another government stands to this, is a question of individual rights, in a litigation with which the government is not the most remotely connected, and in which the public has no interest, how much stronger is the reason for applying the rule to criminal courts; especially when the guilt or innocence of the accused is made to depend upon the decision, as to the relation in which another government stands towards this country, a collision, where the accused was an actor, unconscious at the time of the possibility that the part he took could subject him to the imputation of crime!

But this principle has received the sanction of the highest court of our own country. 2 Peters. Rep. 307. Chief Justice Marshall says, "in a controversy between two nations, concerning national rights, it is scarcely possible that the courts of either should refuse to abide by the measures adopted by its own government. There being no common tribunal to decide between them, each determines for itself, on its own rights; and if they cannot adjust their difference peaceably, the right remains with the strongest. The judiciary is not that department of the government to which the assertion of the interests against foreign powers is committed, and its duty commonly is to decide upon individual rights according to those principles which the political departments of the nation have established."

Arizona, 309. "If those departments which are entrusted with the foreign intercourse of the nation, which assert and maintain its interests against foreign powers, have unequivocally asserted its rights, it is not in its own courts that this construction is to be decided."

We have now concluded our examination of the great principles of national law involved in the case of *McLeod*, and we feel great confidence in saying we have, by the most ample authority, maintained, 1st. That a hostile attack and violation of our territory, in time of general peace, by the authority of the British government, with apparent cause, is so far a *hostile act*, as to be a *violation of the law*, as to furnish impunity to the military engaged in it.

2d. That the instructions given to the governor or chief officer of Canada, under the circumstances and situation of that colony, contained sufficient authority to legalize the attack; or, if that be doubtful, to excuse it.

3d. That the sanction by the British government of the attack, supplied any possible deficiency in the instructions.

4th. That the executive department of our government has decided that the relation in which Great Britain stands towards our government, as to the affair of the *Caroline*, is a *public question*; and that "individuals concerned in that transaction ought not, by the principles of public law, and the general usage of civilized states, to be held personally responsible."

5th. That such decision, by the executive department of our government, is final and conclusive upon all the courts in the United States.

AIDS DE CAMP OF GEN. WASHINGTON. "Col. Trumbull," says the New York Commercial, "is the last survivor of the military family of Washington." This is corrected by the editor of the Taunton Whig, who states that the honorable H. Baylies, of Dighton, was an aid to General Washington in the war of the revolution. Judge Baylies is in his 86th year—resides but about six miles from, and is frequently at Taunton. He enjoys the blessings of a "green old age," health and activity—is one of those whigs of '76, whose life and principles are models for the whigs of the present generation.

EDWARD BOLING. Of whom our readers have doubtless read, has been tried for "bigamy" at the supreme court of Rockingham county, N. C. and found guilty. He was sentenced to be branded with the letter B on the left cheek, (which was carried into execution in the presence of the court), to be imprisoned three years, and receive thirty-nine lashes at three several times before the expiration of the term of imprisonment. His abode has been assigned to him in Guilford jail.

DEATHS during the last week in Boston 27; in the city of Baltimore 23, of which 14 were under 2 years, and 6 free colored.

Few men have lived who performed all the duties of a good Christian and good citizen with a sweeter grace, and never was pastor more beloved by those entrusted to his cure. Their temporal and eternal welfare was the great aim of his existence. The character of the village preacher, in all its leading traits, found a realization in him. (Rick Whitt.)

THE NEW EXCHANGE BUILDING IN NEW YORK. The merchants of the city now assemble in the large room designed for their accommodation.

ESCAPE. Commodore Stewart, Biddle, and Reed, came within an ace of being drowned. They had just landed at the Fulton ferry, when the steamer Nassau ran into their boat and smashed her. [N. Y. Herald.

Mlle. FANNY ESSLER, according to the terms of her engagement with the French opera, was to return, and make her appearance on the 15th Aug. 1840, but her voyage of absence was prolonged till the 1st January, last. This period elapsed, and still the anxiously looked-for danseuse remained on the other side of the Atlantic. In consequence, the court of appeal laid before the Tribunal a petition, the first demanding a very large tract, and secondly, damages for its breach to the amount of 60,000 francs. The cause came to a final hearing on Wednesday. The counsel for Mlle. Essler pleaded to the jurisdiction on the ground that the matter in question was not an affair of commerce. This plea being overruled, the Tribunal's decision was given in favour of the plaintiff, and a decree to the full extent of the claim of the plaintiffs was pronounced. (*Paris paper.*)

EXCHANGES have advanced considerably since our last quotations.

Domestic exchanges have likewise varied unfavorably.
New York on Philadelphia is now at 53a 6; on Baltimore 32a 4; Virginia 6; North Carolina 4½; Charleston 1½; Savannah 2½; Augusta 3; Columbus 9½; Macon 12; Florida 42½; Mobile 9½; Tuscaloosa 10; New Orleans 4; Nashville 11; Louisville 8½; St. Louis 10½; Cincinnati 12; Indiana 12½.

FLOUR. Prices have advanced and holders are demanding yet higher. Sales were effected of 2,000 barrels in Baltimore on the 18 h, at \$6 25a\$6 50—generally asked. The inspections of the week were 12,824 bbls. and 171 half bbls.

The prices at New York is \$6 75 for Genessee and \$6 62½ for Ohio.

FRANCIS' LIFE BOAT. The French government have granted Mr. Francis a patent for this invention.
 "The American merchants of New York have deter-

inited to present one of those boats to the Prince de Joinville as a specimen of American ingenuity and a token of American good will."

Wm. B. GREEN, implicated in the affair of the defalcation of the cashier of the bank of Virginia, has been tried at Richmond, and a verdict of *not guilty* has been rendered on the first indictment. He has been remanded for trial on twenty three remaining indictments against him. Bail was offered but refused.

LIME ON THE BORDERS OF THE LAKES. The Philadelphia Sentinel says—It has been discovered, recently, that the pebbles on the shores of the Four Lakes, in Wisconsin, furnish a lime equal to the best Louisville pebble lime, for any kind of finish or cement; and is not surpassed, in point of whiteness, gloss and beauty, for the finish of the finest work. Mr. Wilcox intends plastering the capitol, at Madison, with this beautiful article. This lime is a valuable discovery, and is exceedingly important, as the pebbles can be obtained at almost any

The town of Thomastown, in Maine, annually exports 400,000 casks of lime, producing about half a million of dollars.

MEXICO. A correspondent of the N. Orleans Bulletin writes as follows: "It is with regret I have to inform you of the recent massacre at Agua Nueva, some ten leagues distant from Saltillo, on the route to Mexico, of 12 prisoners of war, who were taken by the Mexicans on the 10th inst. positive. I will give you the reports as brought by several officers of the garrison, and also by several merchants belonging to this city. It is said that Mr. Dinnitt procured the release of the prisoners, and that he was taken along, and caused to be mixed, with some liquor that was distributed among the guard, the consequence of which was the death of the sergeant of the guard, the corporal and two privates. Some time after the deed was committed, it was discovered that the prisoners had been taken to the cape, leaving Dinnitt still in his tent—that on the alarm being given, Capt. Schaffino, in command of the escort, ordered his men in pursuit, who overtook the fleeing prisoners, and that the remainder of the guard were where they were captured—that Mr. Dinnitt put an end to his life by poison—and that the remainder of the unfortunate captives will no doubt fall victims to the Mexicans. It is to be regretted that the officers of the country are enabled to escape. To other people it is not so."

MOUNT VERNON. The Mount Vernon estate consisted soon after the French war, of 9,000 acres, and when Washington returned to cultivate it, he had 1,200 persons upon it in his employment. Now but five slaves live on the place, and 400 acres are only cultivated, chiefly used for raising wheat and Indian corn.

Pews, have been sold in the new church of Ascension in New York, within a few days past, to the amount of \$70,000, a sum beyond the entire cost of the church—and a number remains yet to be disposed of.

SHIP BUILDING. The whole amount of tonnage built this year in the state of Maine, is said to be about 35,000 tons more than has been built in any previous year in this state, or in any other state during the present year. There are now seven vessels on the stocks in New York without counting small craft; three ships, from six to nine hundred tons, two brigs of five hundred, and two steamers. The two brigs are for the Mexican government. There are but four or five vessels at present building at Baltimore.

THE STEAMER *Great Western* is to leave New York on her last trip for the season, on the 22d instant.

STEAMBOAT ITEM. The New York Sun says—Preparations are making for building one of the most splendid steamboats in the world. Her speed is not to be less than thirty miles per hour. She will accommodate 1,600 passengers with state rooms. Length of keel 325 feet. This boat will be built on an entirely new principle. Instead of the cumbersome water wheel, she will use a newly invented propeller. She is to ply between this city and Albany the ensuing season. The building of this magnificent steam palace will be under the direction of Captain Fellows, her intended commander.

STEAM ENGINES—BRITISH MANUFACTURES. An English paper says—"There were in this country about a year since, not fewer than sixteen thousand steam en-

gines at work, some of them one thousand horse-power. But taking them at a low average of twenty-five horse power each, this would be equal to 400,000 horses. Five men and a half are equal to the strength of one horse; thus the country possesses a power, through the medium of this vast number of steam engines, nearly equal to that of 2,000,000 of men. Each horse, for his food a year, consumes the product of two acres of land; and thus 800,000 acres are to spare for human subsistence more than there would be if steam power were not employed in the produce of the manufactures for which England is now so celebrated."

POPULATION OF THE OTTOMAN EMPIRE. The *Augsburg Gazette* of the 4th inst. states that the Ottoman empire (according to the census) contains 25,000,000 inhabitants, of whom 16,000,000 profess the Mahometan religion, and 7,000,000 Christians and Jews. The Turkish population at Constantinople had tripled since the suppression of the Janizaries, and the government asserts that the population is increasing throughout the empire. The population of Asiatic Turkey comprises 10,000,000 Mussulmans and only 2,000,000 Christians.

PORK is quoted in the last Cincinnati papers at \$1.50 per 100 lb. and \$1.25 to 1.37½ per head, averaging about 100 lb. each.

The Springfield (Ill.) Journal states that a thousand hogs can be purchased in Tazewell county, Ill. in three days at \$1 50 per hundred. The same price rules elsewhere, and those who are buying here do not give more than \$1 50 per hundred, and it is hardly probable that much advance will be made upon this price.

Letters from Kanawha state, that there are about 20, or 25,000 hogs on the road leading from Owinsville, Kentucky, to Charlestown, Kanawha; and about 8 or 10,000 on the road from Point Pleasant to that place. Some 5 or 6,000 have passed through that village to the eastern markets. Price in Charlestown, \$3 per hundred, cash. The number of hogs brought this fall to Virginia, will, it is supposed, be larger than in any year for the last four or five.

SPECIE. The packet ship *Francis First*, sailed from New York on Tuesday for Havre, with \$100,000 in specie, and the *Shetfield*, for Liverpool, with \$30 000.

The *Chillicothe Advertiser* states that the Bank of Chillicothe, last week shipped between '60 and 100,000 dollars in specie to New York.

Our next number will no doubt announce its departure for Europe to contribute its mite towards restoring "the balance of trade"—but how the bank is to contrive to resume specie payment by continuing this process, is not easy to perceive.

Stocks have declined within a few days from $\frac{1}{2}$ to 3 per cent, and are looked at with increasing apprehension.

STUDENTS. Young Semmes, who was indicted for killing Professor Davis at the Virginia university, has forfeited his recognizance (\$25,000) and it is said is now in Texas.

The students at Oberlin college, Ohio, who lynched a fellow student for writing anonymous letters soliciting a private interview with a female scholar, have been fined by a jury in the sum of \$1,500. Judge Huchcock has

Three of the students of New Haven college, who were concerned in the riot with the firemen, have been fined from five to seven dollars, and the costs of prosecution. They have appealed.

THE SUGAR CROP, we learn from the New Orleans Bulletin, has been considerably injured by the late frosts. One fourth of the crop in the parish of Ascension is supposed to be lost by it. In the vicinity of Donaldsonville and on the Lafourche and Terrebonne, there is every prospect of a good crop.

TOBACCO.—In Virginia, the tobacco inspections for the year ending September 30, 1840, amounted to 53,834 lbs.; stock, 13,829 lbs.; those ending September 30, 1841, amounted to 51,994 lbs.; stock, 8,719 lbs.—About half of this quantity this year, amounting to nearly nine millions of dollars, went to foreign ports; the other half to coastwise ports.

The inspections of last week at Baltimore consisted of 375 hhd. Maryland and 42 O'ajo. Prices remain firm at our last quotation.

TRINIDAD. We are indebted to friends for copies of Port of Spain (Trinidad) Gazette. They contain little news. It is remarked that the immigration of laborers continues regularly. In the month of September, there were 283, making, since the first of January, 1841, no less than 2,625. These are colored people, many of them from the United States. With reference to the exports of this Island, it is stated that up to the 30th of September, there were 18,825 boxes, 1,243 tierces, and 2,673 barrels, which is about 3,000 boxes more than last year. The rum is about 23,500 boxes.

WISCONSIN. The legislature is politically divided—council, whig 7, Van Buren 6, house, whig 10, Van Buren 18. Six members only were elected this year to fill vacancies.

It appears, that at the election for delegates in 1839, in the Territory of Wisconsin, the vote was 4141. This year, it was 6,400. A increase of 2,000 votes in two years.

WHEAT has advanced in price; \$1.40 has been paid at Baltimore for good red; a like advance in other places.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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FOREIGN ARTICLES.

The British mail steamer CALEDONIA left Liverpool on the 4th, touched at Halifax on the 16th, and reached Boston on the 18th, making the passage in 14 days 6 hours. She brought 42 passengers to Halifax, and 43 from thence—leaving eight there and taking in nine. She brought 14,000 letters of which 5,025 were for New York. Postage amounts to about \$17,000. On those to New Orleans \$307.

The war fever appears to be subsiding for the present. The steam ship Acadia left Boston on the 16th ult. arrived at Liverpool on the 29th, in thirteen days passage.

GREAT BRITAIN.

THE McLEOD CASE. The Acadia carried out the account of the trial of McLeod, which is published at length in the London papers. Fifteen columns of the Sun, of the 30th are occupied with the particulars of the trial. The papers generally express satisfaction at the result. The London Chronicle (Whig) announcing the decision, says: "The result of this trial might have been easily anticipated from the proceedings of the three first days. The manner however, in which the investigation has been conducted is highly creditable to the character of the judicial tribunals of America. Had the case been one affecting an American subject in England and triable at one of our assizes we could not have wished the mere formal proceedings to have passed off otherwise than they did at Utica."

A report that Louis Philippe had offered his mediation between England and this country, was current in the best informed circles.

The following paragraph appears in the London Herald of October 30. The Herald, by the way, is said to be the organ of Lord Aberdeen, the foreign secretary.

"To have reason to believe that if any serious difficulty should arise between Great Britain and the United States of America, relative to the trial of McLeod, the northeastern boundary, or any other question pending between both countries, our government has agreed to accept the mediation of France, which mediation has been offered as a guarantee of peace and good will between the French and English cabinets."

"Relative to the trial of McLeod, no question is likely to arise between England and America. The question of international law involved in the Caroline affair is not a question of arbitration. We might as well appeal to Louis Philippe for a decision of the queen's bench. It is a mere question of law (upon the facts of the case there can be now no doubt) on which all the legal advisers of the crown have been decided opinion."

"As to making the boundary question one of arbitration, it is the merest delusion to suppose that this would 'settle' it. Why it has been arbitrated upon already. America refuses to be bound by the decision of the king of Holland. What guarantee has Lord Aberdeen that Americans will be bound by the decision of Louis Philippe, or is Louis Philippe an arbitrator such as England ought to accept upon such a question?"

We cannot yet believe that this is to be the first step of Lord Aberdeen's foreign policy." [Whig.]

From the Morning Chronicle.

A considerable portion of our paper to-day is occupied with the trial of McLeod, an outline of which appeared in the second edition of Saturday's Chronicle last week.

The question of McLeod's "triability" is a matter upon which, if we are to credit the Tory press, Lord Aberdeen is determined to make a stand in opposition to the decision of the supreme court of New York. Is this one of the questions his lordship intends to submit to the arbitration of Louis Philippe? On Friday last we intimated our belief that the British government intended to have recourse to some such method of at once complementing a doubtful ally and compromising a question of national interest.

The Herald says: "It has seldom fallen to our lot to communicate tidings of deeper national interest than those we had the pleasure of communicating, under the head of our American intelligence, in a very early second edition of Saturday last. This day we give in another page some valuable additions to that intelligence."

"The anxiety of the public mind as to the late Mr. McLeod is now relieved. The news of his acquittal, the accounts of the deportment of the court, the charge of the judge, and the circumstances attending the delivery of the verdict of the jury—so far as they go—impart a character of the highest and most satisfactory interest to the papers and despatches received by the 'Acadia.' It is pleasing, indeed, to contemplate, under any circumstances, so noble a spectacle as the majesty of law and justice riding in tranquil triumph over the wildest tide of popular violence and through the most furious tempest of popular faction. And this spectacle has been afforded to the world at large by the dignified and conscientious manner in which an American judge and an American jury have discharged their high and responsible duties."

The Times indulges in brutal sarcasms against the court, the jury, the American people and their government, pretends to ridicule the importance given to the trial, sneers at the charge of judge Gridley, affirms that the acquittal was arranged beforehand, for fear of England's vengeance, and concludes with a long tirade of bragadoocio, the keystone of which is a windy call upon England to take summary vengeance for the insult she has endured, and ample security that it shall never be repeated. A brutal and most malignant article.

The cotton market continues without any material alteration.

The steam frigate, having on board Sir Charles Bagot, had been obliged to return to Portsmouth, having carried away her connecting rod, and sustained other damage in her machinery. Sir Charles was to re-embark on board the Illustrious, ship-of-war.

The lords of the treasury have authorised the admission of rough rice from the United States, at one penny the quarter.

The accouchement of the queen was daily expected—her majesty had been indisposed, but had recovered her usual health. The Liverpool European of the 4th instant, says: "We have thus to announce the birth of a prince of Wales, though such an event was expected to be near at hand. Her majesty, meanwhile, continues in the enjoyment of excellent health."

The greatest distress still prevails in every part of Great Britain. Several incendiary fires have taken place in many of the country towns and the destruction of property has been considerable.

Several large meetings have been held in Manchester, Leeds, and other places, by the Chartists. Vincent, the Chartist, at a meeting held in Manchester most ably stated the people's charter is sufficient for the removal of every abuse, and that the agitation for its adoption ought to be persevered in."

Upwards of £1,000 have been raised in London for the destitute Paisley operatives. The queen gave £100 and Sir Robert Peel gave £50.

To increase the difficulties so large a portion of the difficulties attending the position of Sir Robert Peel's ministry, it is now said that the potato crop in Ireland is likely to prove a total failure.

The incessant rains in Ireland during the month of October have been productive of serious injury to the crops of grain and potatoes. The Leeds Mercury says on this subject:

Every week of the present month has made the winding up of the harvest and the prospects of the country more unfavorable and gloomy. The corn crops, in some of the northern and hilly districts, have been quite ruined; and owing to the excessive quantity of rain, the potatoes in many parts of England and Ireland, have rotted in the ground, so as very materially to diminish the food for the people. The price of corn is, consequently, on the advance, and the ports would soon be open again for the admission of corn at the lowest duty, if it were not that the bad quality of much of the new wheat keeps down the averages. Trade continues to be in a wretchedly depressed state, both in Yorkshire and Lancashire; and there is a prospect of a winter of the most severe suffering, if not of terror. There have recently been many incendiary fires in the agricultural districts; by what parties they are committed is yet unknown. It is certain that such fires occur in times of distress, however criminal and infatuated are the incendiaries.

Government is about to strengthen the fortifications of Gibraltar.

The Royal West India Mail company has memorialised government to run monthly instead of fortnightly.

The overland mail from India with very important intelligence from China, was hourly expected to arrive in London.

The British troops in China have suffered so much that it is stated that the force is to be augmented by two regiments.

It is stated that the greater part of the six millions of dollars paid by the Chinese for the redemption of Canton, turns out to be bad silver.

CENSUS OF 1841—POPULATION OF THE BRITISH EMPIRE. From the results of the census which has just been concluded, it appears that the population of Great Britain and Ireland in the present year amounts to upwards of twenty-seven millions of souls. The return for the three kingdoms, the Channel Islands, and the Isle of Man, is as follows:

England and Wales, 15,901,981
Scotland, 2,624,580
Ireland, 8,395,429
Guernsey, Jersey and Man, 124,079

Total, 26,856,028

This is exclusive of the army and navy, of merchant seamen afloat, and of all persons travelling abroad, or of any persons who the night of the 5th of June were out of the country.

Including these classes, the population may be safely taken at twenty-seven millions, which is an increase of about two millions since 1831. If to this be added the population of the colonies dependent on this country, it will be found that the subjects of the British crown are more numerous than the subjects of any other civilised monarchy or republic on the face of the globe.

After making every allowance for possible exaggeration or uncertainty in the accounts of the Indian or Australian population, we may safely say that her majesty, queen Victoria is the sovereign of a hundred millions of subjects—a larger portion of the human race than has ever obeyed any one European sovereign since the downfall of the Roman empire.

[Liverpool Times.]

FIRE IN THE TOWER OF LONDON. An event which will be long remembered in the annals of English history, and which may be regarded in

discover himself completely from party in his official capacity.

At a late meeting of the Dublin Repeal Association, he announced his intention of presenting a petition to the house of commons, in his robes as lord mayor, in favor of a repeal of the union.

FRANCE.

The Paris papers are singularly destitute of any news of importance. The few lines in Paris, which the intelligence from America by the Acadia was received. Quénisset has made further disclosures relative to secret societies in Paris, and several persons have been arrested in consequence. The peers were to meet about the middle of this month, and the trial of him and his companions would come on towards its close.

A French army of observation has been formed on the Spanish frontier, amounting to 30,000 men. It is stated that the long announced disarmament by France is now in actual progress. The reduction of the army was going forward in all quarters. The new order appears to be a medium between the peace and the footing.

Delarocche, the editor of the National, had been again brought before the tribunal for attacking the king's inviolability; but the jury found a verdict of "not guilty."

The French excitement on our revenue bills had by no means subsided, and the journals were making themselves busy in contriving some mode of making reprisals on the United States.

By a royal ordinance, dated 19th instant, the peace establishment of medical men for the French army is fixed as follows: physicians of different ranks, 127; surgeons, ditto, 1,137; pharmacists, ditto, 113; total, 1,377.

"In the evening receptions at Saint Cloud," says the *France*, "Louis Philippe assures the visitors at the palace that the affairs of McLeod and of Canada will be settled peacefully."

The French paper the *Temps* states that the French and British fleets in the Mediterranean were in progress of reduction, the former by six and the latter by eight ships of the line.

The following is a table of the movement in cotton throughout France, from the commencement of the year to the 30th September, contrasted with former periods:

Imports.	1841.	1840.	1839.
United States	328,292	391,266	906,097
Brazil	2,400	3,412	11,102
Other sorts	33,367	11,734	15,623
Other descriptions	26,234	33,890	40,417
Bales	390,353	432,293	974,240
Stock 1st January	104,500	74,500	61,000
Bales	494,883	506,793	335,240
Deliveries.—9 months	308,853	351,293	224,740
Stock { United States	148,300	131,200	74,000
Brazil	800	2,480	3,600
Egypt	22,700	8,800	10,400
Other sorts	14,300	13,200	12,500
Total 30th September	186,000	155,500	100,500

REVENUE. We find the following in the *Courier Français* on the revenue returns published by the *Moniteur*: "It will be seen that the augmentation of revenue of 1841 arises principally from the duty on sugar, which has produced 6,365,000 frs. more than in 1840, but of this sum two millions represents the additional duty on indigenous sugar. The tobacco tax, in progress, and it is evident that this article, which was formerly only a luxury, is now becoming a necessary of life. The tax upon public carriage has yielded two millions more than in 1840. This denotes an increase of circulation which bodes well for future rail roads. The produce of the duties on potable liquors also shows an increase of two millions. We do not know how whether we should congratulate the country on this result; for it is frequently a sign of prosperity, it may also be an indication of a depraved state of the public morals. In the customs we perceive only a slight increase of 1,800,000 frs. and this will always be the case until we shall have modified our absurd tariffs. We should be proud of the French customs to keep pace with the population and with the public wealth when we keep up a system which excludes foreign produce from our ports? We are doubly punished for this folly; first, in having an annual tribute levied by manufacturers in whose favor monopoly is maintained, and secondly, excluding the sources of supply to the public treasury."

The Arabs continued to make nightly attacks on the outskirts near Algiers, and from time to time succeeded in cutting off the sentinels.

PRUSSIA.

STATISTICS. Prussia reckons 14,000,000 inhabitants, and can raise an army of 532,900 men. Austria has a population of 32,000,000 souls; its army is 750,000 strong; and if this power would adopt the Prussian system, it could easily raise 1,216,000 men. The Germanic confederation, without reckoning Austria and Prussia, has a population of 16,000,000, and an army of 195,920 men. If it followed the Prussian system, it could easily have 608,000 men. The confederation could bring but an army of 370,000 men. France, out of a population of 35,000,000, has an army 840,000 men. If it adopted the Prussian system, it might increase the army to 1,330,000 men. Thus all these forces joined form in Germany 1,652,000 men; and after the Prussian system the army might be increased to 2,356,000 men. Thus France would have 312,000 men less than the confederation. If they adopted the Prussian system, France would have 1,026 men less. Germany would be strong enough to wrestle with Russia and France united; it would oppose 1,350,000 men to France, and 1,000,000 to Russia. At any rate, Germany would have the advantage over France in numbers.

There has just been published at Berlin a statistical account of the criminal justice for the last 23 years in the whole of the kingdom of Prussia, under the German system of legislation, that is, with the exception only of the Rhenish provinces, in which the French code is still in force. From this work it appears 15 during the period mentioned there have been 312 criminals condemned to death viz: 234 men, 78 women, making on an average about 13 capital sentences per annum, or 1 in every 3,000,000 inhabitants, the population of this part of Prussia being reckoned at 10,000,000. Of the 312 capital convicts, 145 only were executed, of whom 120 were men and 25 women. Among the 78 women condemned to death, 33 were for infanticide, all of whom obtained full pardons or commutations of their sentences.

The German Journal of Frankfurt publishes an ordinance of the king of Prussia giving a sum of £15,000, of which the interest is to go to defray half the stipend of a Protestant bishop, to be established in the diocese of the Rhine, in concert with the interest to be paid to the archbishops of Canterbury and York, and the Bishop of London; but if lands can be bought in Palestine to establish the donation, then the capital will be paid to these prelates. The decree is dated Nollentz, Sept. 6, 1841.

GERMANY.

The inauguration of the rail road from Vienna to Olmutz took place on the 7th inst. The distance is nearly 30 French leagues.

The grand duke of Hesse Darmstadt has issued a decree ordering the use of the guillotine in all cases of decapitation within his states.

A letter from Amsterdam, of the 25th, says: "Yesterday the definitive refusal of the king, as grand duke of Luxembourg, to ratify the Belgians with Luxembourg, and the German Custom Union, was officially communicated to the Prussian minister at this court. This event has caused a great sensation in the diplomatic circles."

A letter from the Hague states that the king of Holland has just granted a representative constitution to the grand Duchy of Luxembourg, on a liberal footing.

A plot to overturn the government had been discovered at Brussels, which created some alarm for a time, but turned out to have been got up by a few officers of damaged reputation, with the pretended object of once more uniting Belgium with the Dutch crown.

RUSSIA.

A Liege journal states that the emperor of Russia has sent an order to an armorer of that town for 15,000 percussion muskets with rifle barrels, at 80¢ each, for the imperial guard. These guns are to carry a ball 1000 paces, and to be discharged are placed on rocks which are so high that the balls cannot get above the belt. The box formed in the butt end of the pieces carries the various small implements required. Bavaria and other German states, it is said, have sent orders to Liege for similar arms.

"An imperial ukase of 1834" says the *Augsburg Gazette*, "fixes the duration of the stay of Russian nobles in foreign countries at five years, and that of citizens not noble at three years. Previously to the publication of this ukase, several Russian ladies had been settled abroad, and have since been married in foreign countries. The ministerial commission has just issued a decree, according to the terms of which the ukase of 1834 is made applicable to these ladies, and the period of stay to be allowed them will commence from the date of the decree."

Letters from Trebisond, of Sept. 16, say that an insurrection had broken out in Georgia against the Russian authorities. The insurgents, it is said, by way of sequel, burnt the Russian consulate establishment, Akhesika (probably Achalsik).

TURKEY.

The latest intelligence from the Levant is to the 6th ult. Lord Ponsonby had his audience of leave of the Sultan, on the 28th September, and was received with the greatest possible distinction. Mehmet Ali continues to give proofs of his loyalty and obedience. Several severe shocks of earthquakes have been felt at Constantinople, the 28th ult. attended with considerable damage and loss of life.

An earthquake occurred at Constantinople and its neighborhood, on the night of the 5th, which terrified all the inhabitants. A number of persons had perished, and four dead bodies had already been taken from under ruined buildings in the city.

Nothing is known concerning the expedition against Tunis, and Tahir Pacha's fleet was still lying at the mouth of the Dardanelles.

Twenty-two villages have been destroyed in Egypt by the overflowing of the Nile.

GREECE.

The *Constitutionnel* contains the subjoined statement relative to the late mission of M. Piscatory in Greece: "The special object of his journey was to observe the present situation of the Greek government, and make an inquiry as to the resources of the country. The ministerial envoy is said to have gathered information of a most favorable nature. The amount of the revenue receipts has considerably increased, balancing the expenses, and even slightly exceeding them. The finances are all brought to a regular account, established partly upon the French system, for which the country is indebted to the ability and zeal of the late M. de Rigby. The mercantile marine has been increased to an astonishing extent. The Greek journals a short time ago enumerated the naval force, which, in case of war, their government would be able to oppose to the Turks, and their list showed an effective navy of more than three hundred vessels of all kinds. It appears also that the municipal institutions already work well, and are becoming so deeply planted as to promise the future establishment of good order."

Letters from Athens of the end of September mention that the excitement occasioned by the resignation of Mavrocordato has been increased by the receipt of M. Guizot's circular, declaring Greece incapable of representative government.

SPAIN.

The difficulties in Spain appeared to be drawing more and more towards a conclusion. Christina repeated that she had no hand in the insurrection, though both Christina and Louis Philippe are accused of countenancing it. O'Donnell had arrived at Paris. About 4,000 of the insurgents had taken refuge in France.

Montes de Oca, one of the leaders, had shared the fate of General Leon. His torture was taken and in prison, and O'Donnell had fled. It is confidently affirmed that negotiations are in progress, with fair prospects of success, for a political amalgamation between the moderados and the Carlists, to be cemented by a marriage between the son of Don Carlos and the young queen; the queen formally abandoning all pretensions to the throne in favor of his offspring.

A letter from Madrid of the 20th instant says: "The regent quitted the capital yesterday, accompanied by the ministers of war and the interior, whose portfolios will be held in their stead by the minister of marine. The regent quitted the capital through which the regent passed, and cheered him. He appeared to be much affected by their demonstrations in his favor. All the troops of the garrison, with the exception of 300 foot soldiers, and a few horsemen, have left with the regent. The national guard will therefore support all the posts. An officer quitted the capital, he addressed the national guard as follows: "National guards! my heart remains with you; I set out for the purpose of exterminating the horde of traitors who wish to rob you of your constitution. They will fly rapidly before our bayonets, and their impure feet will leave no trace upon the Spanish soil, the soil of all liberty. Adieu, my friends, long live my comrades."

General Labra, who is implicated in the movement of the Basque Provinces, had been arrested at Santander, as he was embarking for Bilbao, disguised as a sailor. The regent was expected to return to Madrid in a few days.

The dissolution of the citadel of Barcelona has been commenced in presence of the junta, the municipality, and the national guard, notwithstanding the reiterated protests of Gen. Zabala and the political chiefs.

The *Madrid Gazette* of the 22d inst. states that an order has been issued by the Regent, dismissing from office every employe in the department of the finances who had directly or indirectly given encouragement to the present movement. On the 18th inst. General Rodil published at Burgos a decree of amnesty to all rebels who, within a delay of twelve days from the date of the decree, should demand it in any place occupied by the government troops. All persons refusing to avail themselves of the given encouragement on that day are to be arrested and shot. The persons excepted from the benefit of the amnesty are the rebels of Pampeluna, Vittoria, and Bilbao, and those of any other place who were the instigators of the revolt. The parties so excepted are to be arrested and shot.

The *Moniteur* of Pau of the 26th instant says: "A proclamation by Don Carlos has been distributed in all the depots of Carlist refugees, desiring that they would not take any part in the new war raised in Spain. The pretender (for we cannot but believe that it is he who speaks, though the document is signed with initials only), tells them that this cause is not theirs, and that therefore they should rest indifferent spectators of the struggle between Christina and Espartero, and that they should not re-appear upon the stage until the other two parties have destroyed each other."

The subjoined letter from Bayonne, in the *France Moniteur* of Toulouse, is not without interest. The writer, after noticing the upshot of the recent movement in Spain, says: "Thus has terminated the third act of the tragedy which has been performing in Spain since the death of Ferdinand VII. There remains a fourth act still more terrible—the abolition of the Monarchy, the fall of that of the Moderates, and even that of the moderate progressive party who were conquerors in September; the republicans, encouraged by late events, have begun to count their numbers at Barcelona, Valencia and Seville, and are about to raise their heads. Barcelona reckons between 30,000 and 40,000 associated workmen; in the rest of Catalonia, one may, without exaggeration, calculate that there are 50,000. Let us remember the late disorders at Vich and Sabadell, where the manufacturers were forced to submit to the laws imposed upon them by the association—then the decrees just issued by the Ayuntamiento of Barcelona for our republicans at Seville, about 3,000 republicans assembled daily on the Alameda promenade, under the eyes of the authorities, to hear the republican paper, the *Huracan*, read, and listened to the declamations of demagogues. A projected move by the republicans of this town has just been talked of, as to Valencia, the first of the last Bando of the Ayuntamiento—let us observe the movement of the National Guard on the formation of the council of War, composed of Moderates and men of the treaty of Bergara, and then form our judgment. We make no mention of Jerez de la Fontesa, Malaga in Andalusia, Huelva, in Castile, and other places where republicanism has gained numerous proselytes; but we can answer for it that ere long, the regent will hear news of the republican party."

The *Leipsic Gazette* has a letter from Paris of the 15th, in which is the following passage: "The greatest misfortune of Spain is that there are three wives to the throne. The first is the daughter of Isabella II. to the throne and her marriage, viz: the wife of Don Carlos, the wife of the infant Don Francisco de Paula, and Queen Christina. Of these three, the only one who would be content for her son with the title of husband of the queen, is the wife of Don Francisco de Paula. Such a marriage would not be without influence, even Christian, republican and the pretensions of Queen Christina."

ITALY.

The *Gazette* di Venezia gives an interesting account of the serious irritation that occurred at Venice on the 6th ult. The Adriatic rose to such a height that the whole of St. Mark's place was several feet under water.

From Rome gives the following account of the pope's reception of the Abyssinian mission: "On August 17th, the Holy Father, seated on his throne, with the Cardinal Mezzofante on his right, and the secretary of the Propaganda on his left, received the Abyssinian envoys. Having prostrated themselves at his holiness' feet, and then kneeling, they were then to be seated. He then entered into converse with them, Cardinal Mezzofante, the Apostolic Prefect, De Jacobi, and the Priest Galabarda, serving in turn as interpreters. The other members of the embassy, among whom were several Ethiopian learned doctors, who sat on the floor, were then introduced, with the whole of their suite, and a letter from the sovereign of Abyssinia was laid at the feet of the pope, who, with his own hand, broke the three seals, and Dr. Desta, formerly secretary of the emperor

Sabagaris, read the letter aloud. It was immediately translated into Italian by Cardinal Mezzofante and De Jacobi. The envoys then expressed their regret that in their poverty they were unable to offer the sovereign Pontiff tributes in gold, but intreated him to accept in token of their homage, the purest incense and the most precious perfumes their country produced, adding, that instead of presenting him with myrrh, the emblem of that mourning which they prayed the God would long keep for distant from his holiness, they begged permission to tender to his acceptance some of the finest and rarest birds of Ethiopia. The reception given by his holiness to the deputation was most affable, and he promised to grant them another audience, when he would deliver his answer to their sovereign's letter."

JAVA.

JAVA A RIVAL OF INDIA. In the India papers, the exports from the island of Java are described with a view of showing that that island is the most formidable rival to the Indian possessions of England, so great is the increase in its exports. Last year the exportation of coffee amounted to 141,000,000 lbs. Sugar has increased to a great extent, viz: at the rate of about 800 or 900 per cent. within the last few years, and in 1840 reached about 56,189 tons, being upwards of a fourth of the whole consumption of England. In the article of indigo, Java is looked upon as a still more formidable rival; its production has been nearly doubled in a single year, though the year 1840 is not yet fully known, and in that year the quantity raised was no more than 42,884 lb. Last year the exports amounted to 2,123,911 lbs.

JAMAICA.

Kingston dates to the 30th ult. have been received at New Orleans. The colonial legislature was in session, but had done nothing of importance. The papers of the 28th state that a party of four Englishmen, with an inhabitant of the Mosquito shore, while on friendly mission arrangements with the authorities for exploring the Bluefield river and examining its fitness for a route of commercial intercourse with Spanish America, had been seized and carried into the interior of Central America. This seizure was caused by the excitement produced by the imprisonment of the commandant at Balise, and the receipt of the papers of General McDougal, the British envoy at Balise, had proclaimed freedom to the slaves at San Juan de Nicaragua.

THE REPUBLIC OF YUCATAN.

DECLARATION OF INDEPENDENCE. The Commercial Bulletin of Merida and Campechy, under date of October 23d, contains the proceedings of the house of representatives, which took place on the 20th and 21st of that month, with regard to the important question as to whether or not Yucatan should be declared a free and independent republic. At an early hour the galleries were thronged with spectators, who manifested the greatest interest and anxiety in the discussion. After the secretary had finished reading the "report of the select committee upon the subject of independence," a long and animated debate arose, in which most of the representatives took part. Some were for postponing the declaration until it could be ascertained what would be the effect of Santa Anna's movements in Mexico, while others, on the contrary, were of opinion, that it was by no means necessary to regard those movements, but that it became the Peninsula of Yucatan to be a sovereign and independent republic. The speech of *Senor Vargas* was greeted by enthusiastic applause in the galleries, he having declared "that it was a vague, remote, and chimerical hope, to imagine that the present revolution in Mexico would lead to the establishment of a liberal government, and also that the people of the government should entertain a profound conviction that it was necessary to postpone, for a while, the declaration of independence, still conviction ought to be sacrificed in obedience to the will of the public, without forgetting, for a moment, the anxiety every where manifested upon the subject, since, in respect to the people, it is for ever a people to command, and for the government to obey."

Upon taking the vote, the first article was carried unanimously; whereupon the spectators retired, exhibiting the liveliest signs of satisfaction, and the house forthwith adjourned.

1st. The people of Yucatan, in the free exercise of their sovereignty, hereby erect themselves into a free republic, independent of the Mexican nation.

2d. The constitution promulgated on the 31st of last March, shall have full force and remain unalterable, except so far as it conflicts with this declaration.

3d. Congress has the power to make any alterations in the constitution which may be required by the new order of things.

4th. All those officers constitutionally elected, shall remain in the army, until removed as directed by the code.

5th. The republic of Yucatan enjoys full power to enter into direct relations and form treaties with the other nations of the earth.

6th. The republic of Yucatan feels herself in honor bound to pay her *quota* of the foreign debt contracted by the Mexican nation, since February 15th, 1840.

7th. Yucatan offers an asylum and special protection to all the natives of the North American continent, who may be harassed on account of their political opinions. [Rejected by a vote of 10 to 2.]

8th. The republic of Yucatan will admit into her territory every honorable man, of whatever nation or creed.

TEXAS.

The message of President Lamar has been delivered to congress. It opens with congratulations on the prosperity of the country. The relations with Mexico are deemed unsatisfactory, and an amicable adjustment of the quarrel impracticable. He adverts to the hostilities, and states that he has made arrangements to send the Texian navy to co-operate with the government of Yucatan—a friendly power—in acting against Mexico. He thinks many advantages must result from this course. The navy will be preserved in active service, free of expense, and will compel the Mexican government to a more peaceful policy with regard to Texas. He is opposed to a military invasion of Mexico; but advises the establishment of military posts west of the Nueces for the protection of that portion of the country. He recommends that congress take into consideration the traffic conducted by the people of the western frontier, and approves highly of it. He submits to congress the capture of Mr. Demit by a party of central troops of Mexico.

The relations of Texas with France are friendly—the attack of Mr. Salguir will cause no disturbance of tranquillity. With Great Britain the mutual ratification of treaties has been postponed till June, 1842. With the United States the relations of the young republic are most amicable. The message speaks in glowing terms of the probable results of the Santa Fe expedition, in pouring into the coffers of Texas the rich resources of the commerce of that section, and establishing intimate political relations with a people known to be friendly to our government, and with the Mexican government. The remainder of the message is devoted to topics of minor interest. [See of 17th.

The Houstonian thinks Santa Anna will recognize the independence of the republic. It says: "If the report of Santa Anna's success in Mexico should prove to be correct, we venture to predict that, with him, Houstonian as he is, our government, one year will not have elapsed before the independence of Texas shall have been unconditionally recognized by Mexico."

The Colorado Gazette announces that the navigation of the Colorado is about to be opened from the head of the raft, 13 miles above Matagorda, to Columbus.

NATIONAL AFFAIRS.

DIPLOMACY. It is stated on the authority of English papers that Mr. Everett, our new minister to London, was expected daily in London from the continent at the time of the sailing of the last steamship. The archives of the legation were left by Mr. Stevenson in the hands of Col. Aspinwall, consul of the United States. [Nat. Intell.

NOLLE PROSQUIL. Our readers will learn, from the report of proceedings in our criminal court, that, at the request of the president of the United States, a *nolle prosqui* was yesterday entered by the attorney of the United States in the case of the prosecution against the individuals implicated in a riot in the city of New York. The petition was presented at the president's house, in the month of August last, (on the night following the first veto).

We subjoin a copy of the president's letter, not merely as a mark of respect for an honorable official act, but from the pleasure which its just and liberal sentiments will give to us, and will, we are sure, impart to our readers. [Nat. Intell.

Washington, Nov. 21, 1841.

"Sir: Having understood that a prosecution was pending in the criminal court of the District of Columbia against certain persons charged with having been engaged in a riot in August last, I directed the attorney of the United States to submit to you the propriety of entering, with the consent of the court, a *nolle prosqui* in the cases. It was one of those outbreaks of popular feeling incident, in some degree,

to our form of government, and entirely evanescent and harmless in its character. My confidence in the good sense and becoming feeling of the people of this district leads me to believe that there will be no danger of a similar occurrence in future, and that therefore those who have been betrayed into a thoughtless proceeding will not be likely to repeat it. Be assured of my constant regard. J. TYLER.

Mr. Fendall, district attorney, Washington.

CONGRESS. The papers from distant sections of the union tell us that the members are wending their way to the seat of government, where as we are informed by the Washington papers, some of them have already arrived.

CONGRESSMEN. Of the remored resignations and declinations noticed in our list, it appears that that of JOHN QUINCY ADAMS declining after the present term, is untrue. The Quincy (Mass.) Patriot, contradicts it on Mr. A.'s authority, and adds that "Mr. Adams says he shall be ready to serve his constituents as their representative in congress, so long as they may require his services, or his health may permit him to discharge the duties of his office."

The New York Tribune, whence originated the article asserting that the Hon. CLAY, of Kentucky, would certainly resign his seat in the senate, and pair to the West Indies for recovery of his health, has postponed that determination. It is now stated that Mr. C. is expected in Washington early in the approaching session.

Col. BENTON, who was arrested by a severe attack of sickness in Kentucky, on his way to Missouri, has returned to Washington. The Globe says he is convalescent, although yet too unwell to leave his room.

DEATH OF THE HON. DIXON H. LEWIS. The Globe of the 23d inst. says: "The melancholy tidings of the death of this true-blue patriot, noble and most estimable man, come through so many channels, that although at first we hoped the report was unfounded, it seems to be confirmed beyond all doubt. There is not a man in the house of representatives whose loss could have produced in that body more universal and sincere sorrow. No man was ever more beloved by his friends or respected by his political opponents. His honest zeal for the cause in which his convictions enlisted him, knew no bounds and affected no disguise; and yet his magnanimous spirit never suffered it to settle into personal hostility to opponents. We know that some who must have deeply offended him in collisions of party, received from him afterwards the most striking proofs of disinterested kindness."

THE COTTON TRADE. The National Intelligencer of Thursday contains, in addition to several of foreign paragraphs to which we called attention in the last number of the Register, the two following upon the same subject, published in the same paper.

The following extracts from some of the best foreign papers may be depended on as furnishing facts which are of great importance to this country. The extensive preparations making by England for supplying herself with her own cotton and excluding that of foreign growth, and the success which has attended them, has excited public attention. We now see all alive to the protection of their own interests: the growing of cotton is becoming a subject of investigation in other countries. It would be well for the people of this country if they too would open their eyes to this subject, and look forward to the future that is now presented to them. With cotton at 10 cents a pound, the manufacturer barely holding its own and not increasing in Europe, with Texas rising rapidly into importance with its rival production, and the South American states, the West India islands, Egypt, and other countries increasing theirs, where are our plantations to look for higher prices and a ready market? Instead of being jealous of our own manufactures, which already take 266,000 bales, we think it would show more prudence to cherish them as our best resource for the future.

By reference to the report of the committee of parliament on East India produce, published last year, the design may be seen more in detail by the message of the governor general. The feeling that exists in England against slavery pervades every class of people. The doctrines of abolition are not confined there to a section, or to comparatively a few enthusiastic or designing persons, as in this country; practical men and politicians, churchmen and dissenters, the nobility and gentry, all cherish the same feelings; and if their zeal should appear great, we may account for it in part perhaps by the jealousy which exists among true classes against republican institutions and rivals in trade.

From the Journal Des Debats.

It is with the 200,000 tons of cotton which England purchases annually in the Mobile and New Orleans that she produces the 450,000,000 francs of cotton goods which she spreads over all parts of the world. It is by cheapness of production that England is able to carry on so extensive a trade; for her to run the risk by making reprisals of being obliged to pay for this cotton at a dearer rate would be attacking her own interest. This she will not do. But what she will do will be to increase in the East Indies as in the Antilles the growth of cotton, and thus free herself from the monopoly of the growers of the United States. This will be a skillful system of reprisals, and one which we, who wish to give importance to our colonies, would do well to imitate; leaving open, however, the question as to whether the interests of the mercantile shipping may not require more immediate and direct measures. As these interests have been vigorously defended by the representative of France at Washington, we may have full confidence in the measures which the minister of commerce may propose on this subject.

From the London Atlas, Oct. 2.

COTTON IN INDIA. From the period of Captain Bayles' mission to America, for the purpose of making himself acquainted with the system adopted in that country in the cultivation of cotton, to the transportation of that cultivated method to our Indian possessions, we have watched with deep interest, and from time to time recorded, the progress of the speculation. On Captain Bayles' arrival from his interesting and ably accomplished tour of investigation, we devoted, as our readers may perhaps remember, considerable space in this department of the Atlas to the explanation of the system in question, and of the advantages contemplated by its adoption. That system is, we are glad to learn by the papers of the last overland mail, meeting with the entire approbation of the Indian government, and there is every prospect of the anticipated benefits arising thereby being eventually realised. The Madras United Service Gazette of the 25th June states that government has ordered the transfer of the American cotton planters, sent to organize their plans at that presidency, from Tinnevely to Coimbatore, which country is better suited to the project. The local authorities, it appears, with full confidence of the ultimate success, were covering themselves zealously in the promotion of the scheme. Capt. H. and Mr. Fitch, who are stated to be most efficient coadjutors in the cause, were busily engaged in carrying out the plans of the government at Madras presidency, whilst those on the Bengal side (with Capt. Bayles as superintendent) are equally energetic in the prosecution of their plans.

From the Bombay branch we have not recent tidings on the subject. The American cotton seed and implements of husbandry sent from England had reached Ecote, and great preparations were making in various parts of the country in bringing this extensive enterprise into immediate operation. At the agricultural meeting of Calcutta, in May last, some of the soil of the island of Chedwa was stated to have undergone analysis, and was found to correspond exactly with that on which the Sea Island cotton of Georgia is produced. A report on the subject of this important discovery had been made to the Indian government, and a cask of Sea Island cotton seed had been accordingly shipped to Chedwa.

It has long been a dogma, among the cotton cultivators, that the description of soil so favorable to the cultivation of cotton was peculiar to America, this yielding to the country a vast monopoly in the production of a superior cotton; but we have at last discovered a Sea Island of our own, and will doubtless turn it to a profitable account. We may here mention that the Bengal section of the American planters, in passing through Allahabad, were shown specimens of Indian cotton, which they had declared worthy, if of equal quality, as good as they commonly met with in America.

SKETCH OF THE COMMERCE AND NAVIGATION OF THE U. STATES FOR 1840.

[CONTINUED FROM PAGE 56.]
A summary statement of the quantity and value of goods, wares and merchandise imported into the U. States, in American and foreign vessels, commencing on the 1st day of October, 1839, and ending on the 30th day of September, 1840.

Species of merchandise.	Quantity.	Value.
Merchandise free of duty.		
Articles imported for the use of the United States	17,999	
Articles specially imported for philosophical societies, &c.		
Philosophical apparatus	5,846	

Books, maps and charts	42,760
Statuary, busts, casts, &c.	3,217
Painting, drawings, engravings and engravings	8,530
Specimens of botany	5,121
Anatomical preparations	1,054
Antimony regulus of Spelter, or zinc	11,379
Burr stones unwrought	85,225
Bristons and sulphur	44,668
Bark of the cork tree	65,751
Clay, unwrought	9,022
Rags of any kind of cloth	7,073
Undressed furs	564,689
Hides and skins, undressed	422,510
Plaster of Paris	2,526,210
Barilla	13,935
Wood, dye	111,607
Unmanufactured mahogany, and other	476,310
Animals for breed	307,645
All other	267,762
Pewter, old	145,514
Tin, in pigs and bars	900,215
In plates and sheets	879,078
Brass, in pigs and bars	73
Old	1,602
Copper, in pigs and bars	1,100,664
In sheets, suited to the sheathing of ships	411,567
Old, fit only to be-manufactured	70,405
Bullion, gold	273,127
Silver	469,431
Specie	2,812,030
Silver	5,338,222
Tea, from India, China, &c. lbs.	5,477,589
Coffee	94,996,095
Cocoa	2,626,369
Fruits, all kinds	2,930,029
Citrus	36,651
Prunes	1,653,819
Figs	2,623,073
Raisins, Muscatel, &c.	13,620,963
All other	4,923,084
Spices, mace	9,575
Nutmegs	142,890
Cinnamon	22,167
Cloves	268,951
Pepper	5,049,129
Pimento	2,262,942
Cassia	647,102
Ginger	59,089
Camphor	164,841
Silks, lace veils, shawls, shades, &c.	309,858
Other manufactures of Silk & worsted, manufactures of Camlets of goat's hair	7,979,100
Worsted stuff goods	1,729,793
Linen, bleached & unbleached	7,240
Tickenburgs, osamburgs & bur-laps	2,357,338
Sheeting, brown and white	4,179,130
Bolting cloth	329,054
Wool, not exceeding eight cents per pound	201,173
Quicksilver	74,534
Opium	9,303,992
Crude saltpetre	54,415
All other articles	40,874
Total	866,263
	5,849,116

Merchandise paying duties ad valorem.

Manufactures of wool—Cloths and cassimeres	4,636,529
Merino shawls	126,699
Blankets, not above seventy-five cents each	239,757
Above seventy-five cts. each	330,660
Hosiery, gloves, mits and bindings	506,452
Other manufactures of wool	221,885
Woolen yarn	1,547
Worsted yarn	807
Manufactures of cotton—Dyed, printed or colored	3,893,634
White yarn and thread	917,171
Hosiery, gloves, mits and bindings	367,095
Nankens, direct from China	792,078
Other manufactures of cotton	1,102
Manufactures of silks from India, China, &c.	513,414
Piece goods	963,411

Wood, dye	564,707	Leather	14,168	Other than snuff and cigars	lbs.	1,976	237
Unmanufactured mahogany and other	64,176	Marble	582	Cotton	"	2,632,914	212,589
Animals, other than for breed	200	Gold and silver, precious stones, set or otherwise	16,336	Bridles	"	1,280	1,730
Tin, in pigs and bars	16,168	Watches, and parts of	6,628	Ochre, dry	"	15,480	360
In plates and sheets	15,236	Glass ware, cut and not specified, paying 30 per cent. and 3 cents per lb.	3,363	Red and white lead	"	58,575	4,320
Copper, in pigs and bars	32,390	Plain and other, paying 20 per cent. and 2 cents per lb.	4,900	Lead, pig, bar and sheet	"	769,085	34,090
In plates suited to the sheathing of ships	37,652	Other articles of glass, paying a duty of 20 per cent.		Cordage, cables and tarred	"	1,368,174	98,747
Old, fit only to be remanufactured	7,952	Wares—China and porcelain	1,737	Untreated and yarn	"	86,567	5,240
Bolton, silver	47,669	Plated, not specified	3,574	Twine, packthread, &c.	"	18,182	2,024
Specie, gold	1,465,300	Guilt	336	Copper nails and spikes	"	1,597	366
Silver	4,655,952	Japanned	13,436	Fire arms, muskets	No.	7,252	23,324
Teas, originally imported from China	lbs. 3,130,692	Saddlery—common tinned and japanned	63,027	Knives	"	30	377
Coffee	" 8,638,334	Plated brass and polished steel	1,838	Iron nails	lbs.	17,345	1,584
Cocoa	" 1,613,362	Carriages, and parts of	256	Cables and chains, &c.	"	1,104	104
Fruits, Almonds	" 87,533	Slates of all kinds	510	Anvils	"	1,070	91
Currents	" 19,495	Quills prepared	515	Castings, other than vessels	"	181,644	8,922
Prunes	" 23,747	Paper hangings	1,332	Round iron, as braziers' rods, &c.	"	8,840	260
Figs	" 85,521	Hair-cloth of all kinds	563	Sheet and hoop	"	194,272	6,841
Raisins, Muscatel	" 630,728	Brushes of all kinds	183	Old and scrap	ewt.	604	2,157
Other	" 87,304	Raw silk	200,329	Bar, manufactured by rolling	"	7,858	26,003
Spices, mace	" 2,592	Indigo	132,048	Otherwise	"	4,133	17,544
Nutmegs	" 1,096,719	Wool unmanufactured exceeding eight cents per pound	85,528	Steel	"	4,531	33,961
Cinnamon	" 14,703	Value of merchandise not enumerated, at 5 p. c.	96,246	Salt	bush.	31,999	11,625
Cloves	" 43,589	do. do. 12 do.	1,922	Coal	"	152,987	35,437
Black pepper	" 2,602,540	do. do. 15 do.	708	Paper, folio and quarto post	lbs.	718	300
Pimento	" 149,063	do. do. 25 do.	558	Poolcap, drawing and writing	"	172,813	25,591
Cassia	" 5,874	do. do. 30 do.	1,305	Sheathing, binders' &c.	"	39,557	6,734
Ginger	" 38,918	Total	\$3,271,728	All other	"	2,632	760
Camphor	" 39,490	Merchandise paying specific duties.		Books, printed in other languages than English, Latin and Greek	vols.	2,419	4,679
Silks, other than India—lace veils, shawls, shades &c.	25,550	Flannels	18,030	All other, bound	lbs.	616	1,024
Other manufactures of	299,270	Capeting, ingrained and Venetian	"	Perfumery and fancy vials, not above 4 oz. each	gross	36	673
Manufactures of silk and worsted.		Oil cloth, other than patent	128	Demijohns	No.	16,658	8,277
Camlets of goat's or camel's hair	24,994	Floor cloth	570	Bottles, black, not above one quart	gross	581	2,748
Worsted stuff goods	54,134	Cotton bagging	66,010	Exceeding one quart	gross		
Linens, bleached and unbleached	351,685	Wines, Madeira, in casks and bottles	6,418	Window glass, not above 10 inches by 10 inches	100 sq. ft.	63	340
Tickenburgs, osenburgs and bur-laps	22,833	Sherry, in casks and bottles	7,169	Above 8 by 10, and not above 10 by 12 inches	"	81	541
Sheeting, brown and white	139,366	Sicily, in casks and bottles	1,449	Above 10 by 12 inches	"	28	190
Bolting cloth	3,050	Red, of France, in casks	24,656	Fish, dried or smoked	quintals	400	1,302
Quicksilver	10,902	Other of France, in casks	66,332	Salmon	barrels	19	282
Opium	12,658	Of France, in bottles	29,395	All other	"	1,138	4,740
Crude saltpetre	14,040	In bottles	5,754	Shoes, leather, kid and morocco	pairs	192	80
Other articles	1,173,919	Spirits, from grain	17,596	Total value of merchandise paying specific duties		2,534,061	
Total	\$12,384,503	From other materials	167,104	Do. ad valorem duties		3,271,728	
Merchandise paying duties ad valorem		Molasses	188,075	Do. free of duty		12,384,503	
Manufactures of wool—		Vinegar	4,294	Total value		\$18,190,312	
Cloths and cassimeres	266,571	Beer, ale and porter, in casks	350				
Merino shawls of wool	36,048	In bottles	2,154				
Blankets not above seventy-five cents each	653	Oil, spermaceti	160				
Above seventy-five cents each	27,445	Whale, and other fish	2,151				
Hosiery, gloves, mits and bindings	7,368	Caster	4,010				
Other manufactures of wool	9,098	Linseed	26,864				
Woolen yarn	120	Teas, from other places than China	2,804				
Worsted yarn	180	Chocolate	550				
Manufactures of cotton—	4,088	Sugar, brown	9,790,704				
Dyed, printed or colored	838,553	White clayed or powdered	9,081,640				
White	183,468	Loaf	74,674				
Hosiery, gloves, mits and bindings	13,632	Candles, wax and spermaceti	412				
Twist, yarn or thread	53,030	Cheese	119,832				
Nankens, direct from China	5,630	Soup	56,282				
Other manufactures of cotton	9,176	Tallow	494,223				
Silks from India, China, &c.	649,323	Beef and pork	33,372				
Piece goods	72,609	Saltpetre	584,886				
Hosiery, gloves, mits and bindings	2,775	Epsom salts	450				
Sewing silk	775	Tobacco, manufactured, snuff	545				
Other manufactures of silk	955	Cigars	4,692				
Silk, sewing, from other places	40,534						
Lace, thread and cotton	18,144						
Flaxen goods—dyed and colored, lin, checks, &c.	72,609						
Other manufactures of flax	1,112						
Hempen goods—sail duck	62,383						
Other manufactures of hemp	1,765						
Hats and bonnets—	70,815						
Leghorn, chip, straw, &c.	922						
Fur, wool and leather	1,104						
Manufactures of iron and steel—	7,073						
Side arms	108						
Fire arms, not specified	60,866						
Vices	3,984						
Scythes	514						
Spades and shovels	1,925						
Other articles	2,418						
Manufactures of copper							
Brass							
Wood—cabinet ware							
Other articles							

T. L. SMITH, Register.
Treasury department, register's office, May 31, 1841.

Summary statement of the value of the EXPORTS of the growth, produce and manufacture of the United States, during the year commencing on the 1st day of October, 1839, and ending on the 30th day of September, 1840.

THE SEA.

Fisheries—	
Dried fish, or cod fisheries	\$541,053
Pickled fish, or river fisheries	
(herring, shad, salmon and mackerel)	179,106
Whale and other fish oil	1,044,984
Spermaceti oil	430,490
Whalebone	310,379
Spermaceti candles	332,353
	\$3,198,370

THE FOREST.

Skins and furs	\$1,237,789
Ginseng	22,728
Products of wood—	
Staves, shingles, boards, &c.	\$1,801,049
Iron timber	\$270,933
Other lumber	29,049
Masts and spars	229,510
Oak bark and other dye	596,305
All manufactures of wood	
Naval stores, tar, pitch, rosin and turpentine	602,529
Ashes, pot and pearl	533,193
	\$4,062,568

AGRICULTURE.

Product of animals—	
Beef, tallow, hides, horned cattle	\$623,373
Butter and cheese	210,749

Pork, (pickled), bacon, lard	
live hogs	1,894,594
Horses and mules	246,320
Sheep	30,698
	\$3,006,034
Vegetable food—	
Wheat	\$1,635,483
Flour	10,143,615
Indian corn	338,333
Indian meal	705,183
Rye meal	170,931
Rye, oats and other small	
grain and pulse	113,393
Chest or ship bread	428,988
Potatoes	54,524
Apples	55,131
Rice	1,942,076
	15,587,657
Tobacco	\$18,593,691
Cotton	9,883,937
All other agricultural products—	
Plasseed	\$120,000
Hops	11,235
Brown sugar	45,940
Indigo	209
	\$177,384
MANUFACTURES.	
Soap and tallow candles	\$451,995
Leather, boots and shoes	214,560
Household furniture	295,844
Coaches and other carriages	74,416
Hats	103,398
Saddlery	59,517
Wax	59,685
Spirits from grain, beer, ale	
and porter	128,330
Snuff and tobacco	813,671
Lead	39,687
Linseed oil, and spirits of tur-	
pentine	63,348
Cordage	43,510
Iron—pig, bar and nails	147,397
Casting	115,664
All manufactures of	841,394
Spirits from molasses	283,707
Sugar, refined	1,214,658
Chocolate	2,048
Gunpowder	117,347
Copper and brass	86,954
Medicinal drugs	122,387
	\$5,279,317
Cotton piece goods—	
Printed and colored	\$398,977
White	2,925,257
Nankens	1,200
Twist, yarn and thread	31,445
All other manufactures of 193,728	
	\$3,549,607
Flax and hemp—	
Both and thread	7,114
Rags and manufactures of	1,128
Weaving apparel	152,055
Combs and buttons	40,299
Brushes	12,263
Billiard tables and apparatus	2,471
Umbrellas and parasols	9,654
Leather and morocco skins not sold	
per pound	19,557
Printing presses and type	17,105
Fire engines and apparatus	6,317
Musical instruments	12,199
Books and maps	29,632
Paper and stationery	76,357
Paints and varnish	34,631
Vinegar	6,401
Earthen and stone ware	10,959
Manufactures of glass	56,688
Tin	7,501
Pewter and lead	15,296
Marble and stone	35,794
Gold and silver	
and gold leaf	1,965
Gold and silver coin	2,235,073
Artificial flowers and jewelry	9,479
Molasses	9,773
Trunks	6,607
Brick and lime	16,949
Domestic salt	42,246
	6,425,732
Articles not enumerated—	
Manufactured	403,496
Other articles	740,805
	1,143,801
	112,895,634

T. L. SMITH, register.

Treasury department, register's office, June 8, 1841.

Statistical view of the commerce of the United States, exhibiting the value of imports from, and exports to, each foreign country; also the tonnage of American and foreign vessels arriving from, and departing to, each foreign country, during the year ending on the 30th of September, 1840.

COUNTRIES.	COMMERCE.				NAVIGATION.			
	Value of exports.				American tonnage.		Foreign tonnage.	
	Value of imports.	Domestic produce.	Foreign produce.	Total.	Entered the U. S.	Cleared from the U. States.	Entered the U. States.	Cleared from the U. S.
Russia	\$2,572,427	\$234,856	\$934,625	\$1,169,481	15,724	6,018	2,820	477
Prussia	59,304	43,353	43,115	86,465	536	506		1,577
Sweden and Norway	1,217,913	435,092	115,134	550,226	7,145	1,118	10,899	5,936
Swedish West Indies	57,545	98,710	3,610	102,330	1,655	2,303		139
Denmark	7,501	76,183	17,868	94,651		324		1,532
Danish West Indies	969,177	918,931	190,518	1,099,449	28,375	27,700	1,412	1,197
Hanse Towns	2,521,493	3,367,963	830,496	4,198,459	12,717	17,849	38,717	42,924
Holland	1,074,754	3,345,264	511,046	3,856,310	15,133	31,747	3,986	11,929
Dutch East Indies	817,897	132,751	202,532	335,303	2,364	1,828	370	485
Dutch West Indies	396,479	259,438	42,916	302,354	7,820	3,790	893	1,153
Dutch Guiana	37,766	32,118		52,118	6,214	5,729		
Belgium	274,857	1,894,229	486,426	2,929,655	9,435	19,507	589	7,667
England	33,114,133	51,571,778	5,096,882	57,048,660	368,772	388,512	128,001	129,213
Scotland	535,217	2,022,636	28,304	2,050,949	7,399	10,799	12,865	10,433
Ireland	98,349	217,762		217,762	965	2,732	11,922	351
Gibraltar	32,567	643,344	257,110	900,454	2,155	11,312		877
Malta	28,471	14,610	45,386	59,996	145	449		
Mauritius		5,319	153	8,472	257		510	
Cape of Good Hope	32,324	35,816	197	36,013	197	650		160
British East Indies	1,932,461	290,044	351,791	632,195	9,715	5,742		
British West Indies	10,48,165	2,907,584	5,000	2,965,584	54,899	78,224	29,294	13,364
British Honduras	158,333	132,095	58,371	190,466	3,943	5,048	1,353	1,708
British Guiana	10,973	118,896	538	119,434	1,298	6,349	5,828	1,233
British Am. colonies	2,007,767	5,889,215	204,635	6,093,550	373,149	357,073	387,947	401,895
Australia	122,141	84,447	6,022	90,569	1,868	1,382	312	205
British African ports					143			
France	17,572,876	18,919,327	2,922,227	21,841,554	113,907	153,128	25,892	25,409
French West Indies	335,251	483,593	30,656	514,251	13,757	25,612	5,303	1,255
French Guiana			100	100	3,177	1,925		
Bourbon								242
Hayti	1,252,894	945,365	81,849	1,027,214	21,193	20,663	967	2,618
Spain	1,684,665	353,419	8,874	362,293	35,447	8,166	2,792	2,419
Tenerife and other Can-								
aries	150,522	11,816	11,579	23,395	2,642	713	473	368
Manilla and Philippine								
Islands	450,251	90,589	30,927	121,516	3,570		809	
Cuba	9,835,477	5,331,471	979,044	6,310,515	174,920	192,548	14,776	15,679
Other Spanish W. I.	1,698,732	770,439	29,208	799,828	40,822	22,555	713	932
Portugal	222,844	97,341	5,724	103,605	14,029	3,851	2,365	587
Madeira	309,524	93,819	22,858	116,677	2,470	3,963		
Fayal and other Azores	38,138	10,471	5,623	16,094	1,211	1,089		
Cape de Verd islands	29,348	82,611	2,809	85,420	384	2,262		946
Italy	1,157,200	1,189,838	283,347	1,473,155	8,363	8,071	1,436	2,602
Sicily	469,525	303,217	33,923	337,140	17,622	1,006	4,578	3,176
Lionian islands								
Greece	43,027							
Trieste	373,365	1,500,356	196,261	1,786,620	3,025	11,828	1,842	6,081
Turkey	563,476	119,745	156,873	276,618	5,443	2,187	800	
Morocco	62,138				145		121	
Texas	303,847	937,073	281,199	1,218,371	36,152	41,177	961	530
Mexico	4,175,001	969,935	1,545,403	2,515,341	14,793	13,348	3,709	3,625
Venezuela	1,352,166	534,267	229,605	758,772	13,605	1,173	1,739	620
New Grenada	217,382	57,922	77,329	135,251	1,622	1,000	732	882
Central America	189,021	130,661	87,285	217,946	446	721		
Brazil	4,927,296	2,145,863	360,711	2,506,574	32,588	34,189	5,578	1,764
Argentine Republic	293,562	280,144	89,132	369,276				
Cisleptine Republic	494,402	82,102	67,628	149,730	6,680	8,197	161	230
Chili	1,016,839	1,372,254	356,575	1,728,829	4,862	7,414		
Peru	438,405				1,137	667		
Republic of Ecuador	28,683							
S. America, generally		96,042	28,291	124,333			262	
China	6,640,829	469,186	540,780	1,009,966	14,771	3,360		
Europe, generally		63,976		63,976		196		
Asia, generally	284,452	170,734	138,092	308,236	3,462	2,787		
Africa, generally	272,537	511,215	43,048	545,263	6,156	7,133	721	900
Arabia							320	320
West Indies, generally		376,715	2,514	379,229		17,103		1,769
South Seas	13,762	177,229	65,200	242,429	43,184	48,429		
Sandwich Islands	16,293							
Atlantic Ocean					878	4,096		
N. W. coast of America			540	1,260	308	1,000		
Uncertain places	1,525	730			147	175	90	

Total 107,141,519 113,895,634 18,190,312 132,085,946 1,576,946 1,647,095 712,363 706,486

Treasury department, register's office, May 31, 1841.

T. L. SMITH, register.

STATEMENT OF FOREIGN EXPORTS IN 1840.

WHITHER EXPORTED.	VALUE OF MERCHANDISE IMPORTED TO EACH COUNTRY.				To the dominions of each power.			
	Free of duty.	Paying duties ad valorem.	Paying specific duties.	Total.	In American vessels.	In foreign vessels.		
Russia	\$111,554	\$32,715	\$790,386	\$934,625	\$934,519	\$106		\$934,625
Prussia	42,375		740	43,115		43,115		43,115
Sweden and Norway	34,581	4,000	76,553	115,134	7,031	108,103		118,744
Swedish West Indies	613	410	2,587	3,610	3,610			
Denmark	14,932		17,868	32,800	2,936	17,868		
Danish West Indies	88,831	61,442	30,245	180,518	180,518		290	198,386
Holland	423,330	37,001	50,515	511,046	396,644	114,402		
Dutch East Indies	184,216	1,004	16,432	202,532	194,175	8,377		756,514
Dutch West Indies	32,742	5,843	4,331	42,916	40,602	2,314		

STATEMENT OF FOREIGN EXPORTS IN 1840.—(CONTINUED.)

WHITHER EXPORTED.	VALUE OF MERCHANDISE EXPORTED TO EACH COUNTRY.						
	Free of duty.	Paying duties ad valorem.	Paying specific duties.	Total.	In American vessels.	In foreign vessels.	To the dominions of each power.
Hanse Towns, &c.	\$646,697	\$80,540	\$102,059	\$830,496	\$162,495	\$668,001	
Belgium	322,339	8,812	155,275	486,426	353,296	133,130	1,316,922
England	3,948,655	908,762	239,465	5,096,882	2,735,004	2,361,878	
Sweden	29,581	19,270	8,504	57,355	11,234	17,070	
Gibraltar	173,569	51,121	32,430	257,110	253,600	3,510	
Malta	2,330		16,005	18,335	45,386		
British East Indies	347,209	75	4,507	351,791	351,791		
Mauritius		153		153		153	
Cape of Good Hope			197	197		197	6,106,789
British West Indies	19,065	10,892	28,043	58,000	21,017	36,983	
British N. American colonies	98,747	11,100	94,188	204,035	67,492	136,543	
Honduras	19,242	36,308		55,550	43,159	12,391	
British Guiana	18		520	538		538	
Australia	5,516		506	6,022	3,930	2,093	
French Atlantic ports	2,537,706	98,840	61,419	2,698,025	2,136,031	561,994	
French Mediterranean ports	178,905	2,470	42,827	224,202	83,432	140,770	
French West Indies	12,401	6,550	11,703	30,656	25,098	5,558	2,952,983
French Guiana	100			100			
Spanish Atlantic ports	3,296		2,543	5,839	4,649	1,190	
Spanish Mediterranean ports	1,370		1,665	3,035	3,035		
Cuba	524,635	350,966	104,425	979,044	972,555	6,489	1,059,632
Other Spanish West Indies	27,313	185	1,710	19,208	28,431	777	
Teneriffe and other Canaries	9,672	1,175	732	11,579	11,579		
Manilla and Philippine islands	30,000		927	30,927	30,927		
Portugal	7,724			5,724	5,724		
Madeira	22,392		466	22,858	22,858		37,014
Cape de Verd Islands	463	2,346		2,809	2,582	227	
Fayal and other Azores	2,730	216	2,687	5,623	5,623		
Italy	163,255	4,954	14,868	283,347	267,760	15,587	283,347
Sicily	30,921		13,002	33,923		33,923	33,923
Trieste and other Austrian Adriatic ports	135,814	7,865	59,255	196,264	174,271	21,993	196,264
Turkey, Levant and Egypt	151,446	1,012	4,415	156,873	156,873		156,873
Hayti	53,371	23,921	4,557	81,849	67,327	14,522	81,849
Texas	65,584	141,182	74,163	281,199	277,128	4,071	281,199
New York	573,177	862,117	109,589	1,544,883	1,463,833	81,570	1,544,883
Central Republic of America	35,312	38,340	19,299	87,255			87,255
New Grenada	41,302	29,242	6,785	77,329			77,329
Venezuela	134,962	76,929	17,774	229,665	222,327	7,318	229,665
Brazil	203,105	106,298	51,308	360,711	360,711		360,711
Argentine Republic	61,234	15,129	12,769	89,132			89,132
Chilistene Republic	44,987	14,848	7,793	67,628			67,628
Spain	129,192	144,003	13,929	355,575	355,575		355,575
China	500,090	6,109	34,641	540,780	540,780		540,780
Asia, generally	128,960	613	8,519	138,092	138,092		138,092
Asia, generally	7,432	26,921	8,695	43,048	33,374	9,674	43,048
South Seas and Pacific Ocean	23,547	26,294	15,339	65,200	65,200		65,200
West Indies, generally	2,289		225	2,514	2,501	13	2,514
North America, generally	15,776	12,515		28,291	28,291		28,291
Northwest coast of America			540	540	540		540
Total	12,384,503	3,271,728	2,534,081	18,190,312	13,591,359	4,598,953	18,190,312
Entitled to drawback		2,875,255	2,299,487	5,174,742	3,906,261	1,268,481	
Not entitled to drawback	12,384,503	396,473	234,594	13,015,570	9,685,098	3,330,472	

TONNAGE ENTERED THE UNITED STATES.

STATES AND TERRITORIES.	AMERICAN.				FOREIGN.				Total American and Foreign.			
	No.	Tons.	CREWS.		No.	Tons	CREWS.		No.	Tons.	CREWS.	
			Men.	Boys.			Men.	Boys.			Men.	Boys.
Maine	318	53,519	2,121	132	1,132	74,628	4,291	38	1,456	128,147	6,472	160
New Hampshire	3	9,752	336	13	43	3,005	144		77	12,757	500	13
Vermont	911	52,084	1,357						211	52,084	1,367	
Massachusetts	1,201	264,506	12,239	498	703	56,944	3,723	316	1,904	321,450	15,752	814
Rhode Island	108	18,862	1,064	2		535	25		110	19,397	1,089	
Connecticut	109	22,832	1,290	29	6	584	32		115	23,416	1,322	30
New York	2,843	639,422	30,237	1,994	1,708	347,508	22,214	138	4,551	1,006,990	52,451	2,152
New Jersey	3	516	19	1					3	516	19	1
Pennsylvania	353	75,479	3,248	246	91	12,223	667	92	444	87,702	3,915	338
Delaware												
Maryland	309	58,327	2,592		101	23,903	1,135		410	82,140	3,727	
District of Columbia	44	7,769	356	6	19	2,513	139	4	63	10,282	495	10
Virginia	136	28,852	1,223	4	34	5,923	339		170	34,779	1,562	4
North Carolina	171	23,330	1,181	5	29	2,997	234		206	26,193	1,415	5
South Carolina	177	36,635	1,592	7	80	23,950	951	157	257	60,645	2,547	220
Georgia	87	23,304	931	2	68	41,721	1,506		175	64,925	2,437	2
Alabama	146	41,208	1,643		61	25,564	1,044		207	96,772	2,687	
Mississippi												
Louisiana	672	182,292	7,342		252	73,185	3,579		924	255,477	10,921	
Ohio	90	8,168	382		43	3,192	148		133	11,360	530	
Kentucky												
Tennessee												
Michigan	7	593	30		152	12,310	615		15	12,903	645	
Florida	192	9,506	954		27	1,868	194		219	11,374	1,148	
Missouri												
Total	7,211	1,576,546	70,011	2,993	1,571	712,363	40,980	746	11,782	2,289,309	110,991	3,739

UNITED STATES VERSUS UNITED STATES BANK OF PENNSYLVANIA. The Philadelphia Chronicle says: "We learn that the government of the United States has filed a bill in equity in the U. S. circuit court of Pennsylvania, against the Bank of the United States, the object of which is to annul all the assignments made by the bank as fraudulent, and to appoint a receiver to take into his possession all the funds of the bank. If, as seems to be the general impression, this application succeed, the consequence will be that all the property of the bank will go into the hands of the receiver, to pay its debts pro rata. The most important question for the note holders is how it will affect them. It seems to us that if the \$7,000,000 of assets is taken out of the possession of the first class of trustees, it removes the special security for the five millions of post notes now held by the city banks; that the city banks, pressed by their creditors, will then be obliged to sell these notes for what they will bring, and that thus an amount of five millions of notes of the bank of the United States will be forced into the market for sale, in addition to the three or four millions now floating about."

DEFENCES OF NEW YORK. The defences of the harbor of New York now consist, on the Long Island side, of Fort Delaware and Fort Clinton; on Staten Island are Fort Richmond, 100 guns, Hudson battery 63 guns, Battery Moon 20 guns, and four floating shot galleries, for the purpose of setting a fleet on fire; also about the harbor, Fort William 200 guns, Bedlow's Island 50, Gibbet Island 25. In addition to these it is now proposed to erect a battery of 200 guns at the mouth of the Narrows, which it is believed would render New York unapproachable by the fleets of any nation on earth. The New York Sun says the plan of the new fort has already been submitted to the secretary of war, and the engineers of the department think so favorably of the project, that it is their intention to place it before the next congress.

THE LAKE TRADE. The Buffalo Commercial Advertiser of the 2d inst. says: "During the month of October a greater number of vessels arrived and departed from our port than during any single month of this or any previous year, amounting to 600 vessels. The principal articles landed, &c. are embraced in the annexed table: 375,003 bush. wheat, 124,983 bush. flour, 56,295 bush. corn, 8,291 bush. oats, 2,155 bush. rye, 14,552 kegs butter and lard, 2,793 cks. seed and ashes. The result of these facts sustains the opinion expressed by us on the 18th ult. that the quantity of flour to be landed here during all of October would equal that of 1840, notwithstanding the drought and all efforts made to keep it back. The number of barrels of flour alone which came in during Sunday and Monday last was over 25,000."

THE ARMY. FLORIDA. A letter from Fort Pierce under date of the 14th inst. states that Capt. Wade and Lieutenant Thomas, of the 3d artillery, with K company, of the same regiment, had returned to Fort Lauderdale from a scout on the Indian country, just before the boat left. They had been exceedingly fortunate—the result was 8 Indians killed (6 of them warriors), and 49 prisoners, (8 of them warriors). Some 30 acres of corn, &c. and several canoes, were destroyed.

It is said that Sam Jones is on an island in the Okelocobee with some 500 warriors, and that he is determined to make a stand, and the sooner than surrender. East Florida, Nov. 15, 1841. Every thing is quiet along the border, and not a murder has been committed during the whole of the last full moon. Indians in small parties are still coming in and surrendering. On the 11th instant Halleck Harjo and his company of about ten Indians, from the Spring Garden, on the St. John's, Halleck says, after searching four or five days, these were the only Indians he could find on the river, and he believes there are none on it, except high up, probably south of Fort Mellen.

The difference of detachments detailed for the Everglades expedition is moving from Tampa bay to their designated positions around the Big Cypress. You may soon expect to hear thunder from that quarter, and I hope the capture or surrender of Sam Jones and the prophet. Pilatka, Nov. 17, 1841. We have nothing new from the red men. It is stated that a schooner under the command of Lieut. McLaughlin, belonging to the Florida squadron, had come into the Caloosahatchee with the yellow fever on board. Some of the crew had died. It was feared that the troops would be infected. Severe fevers had broken out at some of the posts.

EXISTING ALIENS. Important decision. During the late term of the supreme court of Norfolk county, Virginia, George Cottingham was brought up, on a writ of habeas corpus, directed to col. FANING, the commandant of Fortress Monroe. By the return to the writ, it appeared that Cottingham was a soldier under col. FANING's command, and had been regularly enlisted in the army of the United States. He was born in Dublin, was at the time of his enlistment a subject of Great Britain, never having been naturalized. Judge Baker, after mature consideration, decided that the enlistment of an alien was illegal, and that therefore the petitioner was entitled to his discharge. The case will probably be carried to the court of appeals, on a writ of error. [Sentinel.

THE NAVY.

The West India squadron is still at Norfolk. The Levant left Pensacola for Norfolk some time since, after having suffered much from the yellow fever. Why then does the squadron still linger?

[N. Y. Star 19th.

The U. S. sloop of war Levant is expected home in about a fortnight.

The U. S. slooper Dolphin is expected home in a few weeks.

THE CONSTITUTION AND HER CREW. We have seldom seen a finer looking or more orderly set of men than the crew of the United States frigate Constitution. Nearly the whole of them have been paid off, and unlike some of those who have heretofore been discharged from United States vessels, their conduct as they pass along our streets is respectful and decorous. There is no quarrelling or fighting among them; they appearing to act towards each other as a family. Their brothers, their department too, towards the officers of the ship, has been, we learn, respectful. As an evidence of their good conduct, we can state, that they thoroughly dismantled and cleansed the ship in two and a half days after her arrival at the navy yard. [Norfolk Beacon.

STATES OF THE UNION.

THE DEBTS OF THE STATES.

A late number of the Boston Post gives the following estimates of the state debts. As this is a subject on which we have often spoken, we copy the table in full.

	Stock and state debt.	Deficiency to principal.
Maine,	\$1,678,367	\$57,340
Massachusetts,	7,272,339	1,022,339
New York,	20,165,000	
New Jersey,	83,283	
Pennsylvania,	37,723,000	1,773,519
Maryland,	15,000,000	600,000
Virginia,	6,557,000	
South Carolina,	3,764,000	
Georgia,	500,000	
Alabama,	10,859,556	
Mississippi,	12,400,000	393,500
Louisiana,	20,585,000	908,000
Tennessee,	7,709,166	
Kentucky,	4,665,000	
Ohio,	14,889,900	348,954
Indiana,	13,667,433	754,000
Illinois,	13,265,083	732,340
Missouri,	2,027,557	
Michigan,	6,011,000	400,000
Arkansas,	7,755,382	
Florida,	3,900,000	
District of Columbia,	1,500,000	

Total, \$300,491,157.

To this state indebtedness of \$299,491,157, add the surplus revenue deposited with the states, \$8,191,644 dollars; city debts of New York, Boston, Philadelphia, Baltimore, Albany, Troy, Cincinnati, New Orleans, Mobile and Charleston, a total of \$22,372,441; and we shall have, as the total of state and city debts, \$290,365,142.

The states that owe no debts are New Hampshire, Vermont, Connecticut, Rhode Island, North Carolina and Delaware.

The above statement is probably erroneous in many particulars. The debt of the state of Maryland, for instance, is set down at the amount *authorized*, which exceeds the amount actually incurred by several millions of dollars. The Trenton Gazette contradicts the statement as to the indebtedness of New Jersey, and says that state "is not only out of debt, but has a permanent fund of \$129,000, besides a school fund of \$336,000. The surplus revenue distribution, amounting to \$779,000 was apportioned by the legislature to the counties, so that the state received no benefit

from that. The ordinary expenses of the state government are \$70,000 to \$80,000, but the state tax is only \$20,000 to \$30,000, other resources defraying the rest.

The indebtedness of others of the states is believed to be exaggerated in the above table.

VERMONT.

BOUNDARY. The legislature of this state have just passed resolutions, declaring that it is the duty of the general government to prosecute the settlement of the northeastern boundary question without any unnecessary delays.

FINANCES. We learn from Walton's Daily Journal, that the report of the auditor of Vermont shows that the expenditures of the state, for the year ending September 30, including all expenses, interest paid, and the balance of the preceding year of \$9,539 33 against the treasury, were \$81,128 06 Receipts, \$4,922 57

Balance in favor of the treasury, \$3,794 81 Adding to this the balance of \$9,539 33, it appears that the receipts for the year have exceeded the expenditures of \$13,334 14.

The apparent state debt is \$136,619 81. Of this amount, there is due to the school fund, \$1 of this property of the state, \$119,637 19, and there is also due from individuals to that fund \$44,656 69—which two items make \$164,292 28, being \$7,672 47 more than the sum set down as a state debt. In point of fact, then, the state has its school fund more than means enough to meet all liabilities, both real and imaginary.

GEOLOGICAL SURVEY. The committee appointed by the Vermont legislature and instructed to make inquiry and report on the expediency of a geological survey of that state, have made a report in its favor. The committee say:

"They believe that no state, in proportion to the extent of its territory, has so much to expect from such a measure as Vermont. Accident has already brought to light many rich sources of wealth to the farmer and manufacturer; and probably still greater and more numerous sources, left to accident to their discovery, may lie hid ages to come, in our mountains and valleys, which might be developed by a systematic and scientific survey, and be forthwith rendered productive of individual and public prosperity. A bed of shell marl has been recently, by accident discovered in New Albany, covering a tract of at least fifty acres, and appears to be nearly inexhaustible. No person can now estimate with what beneficial result this material may be used, as a manure, through the whole agricultural region bordering on Lake Champlain. A few other beds of the same material have been discovered in other places; and by a careful examination, under the authority of the legislature, other similar beds may be discovered, which may be immediately applied to enrich our soils, and thus increase our agricultural wealth.

"A large majority of the committee, which is itself numerous, have come to the conviction that it is time for the legislature of this state to consider a measure which many of our citizens think has already been too long delayed. The people of this state must always look principally for their wealth and prosperity to agriculture and manufactures. And the committee believe that the resources of the state should be brought to such a point, as may be, within the control of these two great interests.

"As to the probable expense of a survey of the whole state, when examined before the committee at the last session, professor Benedict stated that he thought that, on account of the greater facilities furnished by his former surveys in several neighboring states, his former estimate was reduced, and that the survey might be concluded in four years, for \$8,000, that is, \$2,000 annually."

NEW YORK.

THE DELAWARE AND HUDSON CANAL AND RAIL ROAD. This canal and rail road extends from the coal mines in the Lackawanna valley, in Pennsylvania, to Rondout on the Hudson river, ninety-two miles above New York. The whole improvement is one hundred and twenty-three miles long.

The rail road extends from the mines in Carbondale to Honesdale, and thence terminates at the canal. It is sixteen miles long, having eight inclined planes, five of them ascending planes from the mines and worked by stationary steam engines, and three of them descending planes acting by gravity. The rail road is wholly in Pennsylvania.

The canal extends from Honesdale, in Wayne county, twenty-three miles down the Lackawanna creek to the river Delaware; thence seventeen miles down the Delaware; and thence sixty-seven across the state of New York and New York to Rondout

on the Hudson river, sixty miles below Albany and ninety-two above New York. It is one hundred and seven miles in length, having locks seventy feet long and nine feet wide. Its boats can carry thirty tons. The capital stock of the company is \$1,300,000. Borrowed to complete the canal and rail road,

\$803,000

Cost of the work, \$2,303,000

We understand that the company has borrowed a further sum of about \$250,000 for the purchase of boats, cars, horses, and to open mines. This we believe will add to the permanent debt, making the cost of the whole improvement a little more than two millions and a half of dollars.

Of the debt of the company \$800,000 is for stock issued by the state of New York, and the other in company loans, as follows:

	annual interest.
\$500,000—3 per cent. payable after 1846,	\$25,000
300,000—4½ do. do. 1847,	13,500
Interest on company loan last year,	17,040

Interest annually to be paid by company, \$55,540. In addition to the above interest paid by the company last year, their dividends to stockholders have been at the rate of seven per cent. per annum, and a surplus fund is accumulating towards paying off the debt.

The company was incorporated in 1823, the excavation of the canal commenced in July, 1825, and the work was finished in 1828.

The coal trade commenced in 1829, and increased as follows:

Years.	Tons	Years.	Tons.
1829	7,000	1835	90,000
1830	42,000	1836	106,000
1831	54,000	1837	115,000
1832	81,000	1838	76,321
1833	111,277	1839	122,300
1834	43,700	1840	148,470

Total, 1,002,125

The New York Express says, "we learn that the probable sales of coal by the Hudson and Delaware Company, with this year reach 300,000 tons, which at a profit of \$2 50 will yield a revenue of half a million of dollars."

There were employed by the company in 1833, in the mines, upon the rail road, canal and wharves, eighteen hundred and sixty laborers, and three hundred and eighty-six horses. There are now employed more than three thousand laborers, and six hundred horses. In 1833, the site on which Carbondale is built, contained but one building, and Honesdale was a wilderness. They are now large and flourishing towns.

The stock of the company cost \$100 per share. In 1839 it sold for \$48½ per share; it is now rated in New York at 108½; nearly 9 per cent above par in these times of depression of stocks.

We have related the foregoing particulars not only to give our readers information in relation to an important public work, on which annually is carried to market Pennsylvania products to the amount of more than a million of dollars; but to show the certain value of our canals and rail roads, when completed to our coal fields. Here is a rail road carried sixteen miles over a mountain, with eight inclined planes and five stationary steam engines—a transhipment in a canal with a capacity of only thirty ton boats, one hundred and seven miles long, and requiring another transhipment into vessels for the New York or Albany market—so that coal passing over such an improvement with two transhipments, must be carried two hundred and fifteen miles from the mines to the city, and yet the work is profitable and yields seven per cent to the stockholders, besides leaving a surplus fund!

A rail road can be constructed from the first mines of the Swatara or Pinegrove region to Harrisburg, through the Swatara gap without any ascending grade, and the distance will not exceed thirty-five miles. Three hundred and fifty thousand dollars estimate the canal required to the Lackawanna, and will make the whole route to Harrisburg will be the shipping place from a million of tons. Harrisburg is but 71 miles above tide water, and a good canal for boats of 75 tons burden all the distance.

[Harrisburg Chronicle.

REVENUES OF THE STATES CANALS. Mr. Verplanck, in his report on finances, in the senate in March last, estimated the canal revenue for this year, at \$1,875,000. And the payments as follows:

Repairs and superintendence,	\$550,000
Interest on present loan—	
debt,	330,000
Do. on lateral canal debt,	357,000
Payment in aid of general fund,	200,000
	\$1,437,000

Leaving the sum of \$438,000

In the administration of the affairs of the state, I shall as heretofore, be regulated by a conscientious regard for the public welfare; and, in discharging the solemn obligation I am about to receive, I shall cause justice to be executed in mercy; while the circumstances of each case presented for executive action will be allowed their due influence, the safety of society shall be with me the paramount consideration.

We, fellow citizens, are servants of the people, and are not delegated to serve ourselves. Let us then dismiss every sentiment of personal ambition, and let us, in the public good, bury the stripes of party, and earnestly invoking the presence of Him who can guide us aright in all things, proceed to the discharge of our respective obligations to our country.

ALABAMA.

LEGISLATURE. The two houses assembled at Tuscaloosa on the 1st November. The honorable Nathaniel Terry, of Limestone was elected president of the senate without opposition.

Extracts from Governor Bagby's message.

The banking system of the state of Alabama continues to be a source of great anxiety, trouble and anxiety with the community at large, and will, I trust, command itself to the early and diligent attention of the general assembly. This system has been in operation eighteen years. In that time it has experienced all the vicissitudes of prosperity and adversity, to which a period of that duration subjects human institutions. It has passed through a long series of years, the grave and important questions now presented for the deliberate consideration of the general assembly are, whether upon a full and candid review of the operation and effect of this system upon the public interests, it has answered well the ends and the objects of its establishment, and of continuing a steady, unprecipitated value; affording a safe depository for the public funds—and furnishes a reasonable hope that it will, by the success of its operations, continue to pay the interest on the capital stock; and finally to reimburse that capital, for the payment of which the state has contracted a solemn obligation. However gratifying it might be to a just sense of patriotism and state pride, to be able to give an affirmative answer to all these questions, and/or imperatively requires that most of them should be answered in the negative. For, although it is with pleasure admitted, that the public funds committed to the custody and safe keeping of the bank, and forming a part of the capital; the payment of the interest and redemption of the stock, depending as they do, upon the sure foundation of our plighted public faith, are beyond the reach of accident, it is no less true, that the present condition of the banks is not such as to afford satisfaction to the community, either in regard to their past management or to inspire full confidence in their future success. The large amount of bad and doubtful debts—the enormous sums due from individuals, most of which will, in all probability, should the general bankrupt law go into effect, be lost to the community, and the schedule and affidavit—and the fearful encroachment already made on the capital stock—are considerations well calculated to cast the most ominous conjectures on the success of the whole system.

Whether the failure of these institutions to realize the reasonable expectation of the public, is to be ascribed to defects in the system, or to be found in the manner of selecting the board of directors, and in which they have managed the affairs of the banks, is the question now submitted for your candid, deliberate determination. And upon the correct decision of that question, depends the fate of the banks, and the credit of the state. If the defects are in the system, and are radical; they are admitted to be without remedy, and the system ought to be abandoned, at least as soon as a proper substitute could be provided. And I have no hesitation in declaring it as my settled opinion, that if the present mode of conducting the business of the banks, be sooner the state and its branches are wound up the better. If, on the other hand, the defects lie in the manner in which the directors are elected, and in which the affairs of the banks have been conducted, it becomes the indispensable duty of the legislature to apply the corrective, and to adopt such measures as will insure a better management hereafter. It has been my misfortune to differ with a majority of the legislature, in relation to the manner of electing bank directors; and in relation to many important points of policy in the management of the banks. Whether the measures recommended by me

would have been salutary in their operation, cannot, with certainty, be asserted; but that the course pursued by the legislature has been most disastrous, in its effects upon the banks, is unfortunately no longer a problem. But for the settled conviction resting on my own mind, that in the present state of society, a paper currency is indispensable, and can be only constitutionally furnished by the states, and not by the general government, the discouragements I have experienced in advocating, so far as Alabama is concerned, to place the state banks on a better footing, would have induced me to abandon the present system altogether, and to have looked to some other expedient, within the purview of the constitution, as a substitute. And I still think, with entire respect for the opinion of others, that the state bank system is susceptible of being rendered a source of incalculable benefit to the people of Alabama. I believe further, that the state bank system is destined ultimately, under some modification or other, to furnish the paper circulation of this union.

In reflecting upon such measures as would most likely tend to alleviate and improve the present condition of the banks, and to enable them to conduct a sound and healthy action, the following have occurred to me as most likely to be productive of that desirable result; and they are, therefore, with becoming deference, respectfully recommended to your consideration. Still satisfied, and even more deeply convinced than ever, in the correctness of my opinion, that the plan of electing directors is to be erroneous, and will prove fatal to the banks, if persevered in, I am of opinion that it should be changed, so as to make it the duty of the governor to nominate double the number to be elected, and for the senate, or the two houses jointly, to select from that number the directors of each bank. The presidents, should I think, be elected as at present, by joint vote of the two houses. I am also of opinion, that the number of directors should be reduced to two, and a president for each bank; that they be paid a sufficient salary to secure the best financial talents; and that they be required to devote their entire time and attention to the management of the banks, until they are in a condition to resume specie payments. It will be proper also to adopt suitable measures to compel punctual attention to their duties, and to punish them for negligence or malpractice in office.

No doubt it will be objected to the proposition to reduce the number of directors, that it is aristocratic to take power from a large and bestow it on a smaller number; and that the proposition to increase the compensation, is anti-republican in its tendency. These objections sound loftily in theory, and are strictly correct in practice. But the mistake, the error, the mistake, consists in their application to the present case. Who ever heard of a man seeking the appointment of a bank director either from patriotic motives or for the distinction it confers? On the contrary, the accounts of many of the directors, from 1834 to 1837, prove that they were under the influence of a much more powerful motive than the love of distinction and of power.

And, even if it were otherwise, it may be safely affirmed, that no greater or more fatal error has been or can be committed, in regard to the management of the banks, than that they ought to be conducted on what are usually termed popular principles. The office of a bank director is not only one of the most desirable, but the most honorable of all offices, and the most desirable, if the capital of the bank was increased by being constantly used, and every man could be supplied with whatever amount his necessities required, whether he was able to pay it or not. But this not being the case, the capital being borrowed, no man ought to be permitted to exercise the office, who is not able to pay. Equally delusive and ruinous to the banks will be found the fanciful expectation of obtaining competent talents to manage the laborious and multifarious concerns of a banking institution, already extensively embarrassed, ably and successfully without adequate compensation. The only persons who are capable of such a service, both in regard to public and private affairs, that those who are willing to labor for nothing, fall, must usually, under the denomination of hard bargains. This remark does not, of course, refer to officers which confer great political distinction, which are doubtless sought, in many instances, even at an enormous price, by very dishonest and unworthy men, from a love of honest fame and the more ennobling feeling of patriotism. But so far as our banks are concerned, experience furnishes ample testimony to the fact, that their present embarrassed condition is owing in a great measure to the election, in many instances, of very dishonest and unworthy men, in situations without any stipulated compensation sufficient to compensate a man of ordinary capacity, with the fixed determination to compensate themselves. Volunteers certainly answer admirably in some departments of service; but experience has au-

ply proved, that they are not always the appropriate corps from which to select bank directors. The most prudent policy of the present course pursued, both in legislation and the management of the banks, is, that it will inevitably place them under the control of their debtors. Let this state of things be once accomplished, and it requires no participation in the spirit of prophecy to foretell that the best directed legislation aimed at the banks, will have no other result, than to place a large portion of their business on long time, has also been a prolific source of evil to the banks, and one, the effect of which, they cannot much longer withstand. It is, therefore, respectfully suggested, that the banks be prohibited from discounting any promissory note having more than six months to run, and not to be renewed in any case; and from purchasing any bill of exchange having more than six months, secured by two good endorsers, and drawn against shipments of produce, at least to the amount of the bill, or actual funds at the point where the bill is to be paid. The present amount of circulation, which is about seven millions, is believed to be entirely adequate to the sound business wants of the country, and ought not to be increased. It is particularly recommended to enlarge the discretionary powers of the directors in regard to the security and collection of debts; and to enable each bank to appoint a marshal, with extensive powers, in all cases, to enforce the claims of the bank, and to be exercised by the sheriffs of the respective counties throughout the state. The salary of the bank attorneys is entirely too low, and ought to be increased by law; or left to the board of directors within a reasonable limit, beyond which they should not go.

It is, however, although I admit it is an unpleasant one, to recommend that the banks be relieved, at least for the present, from defraying the expenses of the state government. It is a maxim, that to tax and to please, any more than to love and be wise, is a difficult matter. But it is also true, that taxation in some form or other, is indispensable to the support of government, and my own reflections long since led me to conclude, that if the amount was kept down to the actual wants of the government, the more directly it was paid the better. The people are then constantly sensible of the amount of the contribution exacted from them for the support of government, and are more disposed to bear the tax, the amount absolutely necessary for its support, administered on the most economical scale. Whatever may be the correctness of this view, I have sufficient confidence in the patriotism and magnanimity of the people of Alabama, exhibited on so many occasions, to believe that they will be disposed to contribute a sufficient amount to defray the expenses of the state government; more especially when, by doing so, they will avert evils of greater magnitude. Indeed, I feel fully satisfied, that the people will not, for a moment, compromise their high claims to magnanimity, by leaning on the banks to defray the expenses of the state government, when the institutions are not in a situation to redeem their own notes. It were superfluous to remind the general assembly, that taxation is, of all others, the most delicate operation of a free government, and that in amount it ought to be kept down to an economical standard; and to be so regulated, as to operate with as much equality as is attainable in human affairs.

The law setting apart \$200,000 annually, in aid of the valueless sixteenth sections, operates most injuriously on the interests and business of the banks, and ought to be repealed. It is admitted that the appropriation of this sum is directed to a most commendable and desirable object; and if the banks were in the habit of contributing to the fund, it would advocate the withdrawal of this appropriation, from an object dear to every patriot, and deeply interesting, if judiciously applied, to a part of the rising generation. But to be just before we are generous, is a maxim that holds as good in political, as in moral or legal affairs; and it is in the power of the banks, to be just, and to contribute to the straight pathway of common honesty, which is always the best policy, to require them to perform acts of individual accommodation or public munificence.

The various laws now in force for the relief of bank debtors, are believed to have been salutary in their operation, and ought to be continued, and the property applied and enforced, need no alteration.

It is not improbable that some of the views I have submitted may appear unreasonable, and that some of the measures I have recommended may seem to be harsh and rigorous. They have been reluctantly entertained, and I am fully sensible of the weight and dense of the high and solemn obligations of official duty. And permit me to add, in conclusion on this subject, that if the legislature, in their wisdom, should be able to devise any other plan, more likely to effectuate the objects which I feel satisfied

we have alike in view, it will receive my cordial sanction and approbation. Impelled by a constant desire to preserve the faith and credit of the state unimpaired, I have more than once recommended the propriety of providing a permanent and efficient sinking fund, for the redemption of our state bonds; and the extinguishment of our public debt; and I avail myself of the present occasion to express the hope, that the legislature will keep this object steadily in view.

It is impossible to recur to our banking system, without being admonished, that it is based on borrowed capital, and that the faith and credit of the state are solemnly pledged for the payment of that capital. And Alabama owes it to herself; to her past history, every period of which is signified by the propriety of providing a permanent and efficient sinking fund; and to the great and good men to whom she is indebted for the rich inheritance of a written constitution, to pursue such a course as will enable her at all times to redeem the obligations of her plighted faith with scrupulous fidelity.

"The intimate relations subsisting between the state and general governments, and our liability to be affected, either for good or for evil, by the action of the latter, renders it proper that I should notice some of the measures introduced during the late extraordinary session of congress, most of which have, unfortunately as I conceive, become laws of the land. Some of these are some of the most objectionable every allusion by the state authorities to the action of the general government, as a species of impertinent and officious interference. My habit of thinking upon this subject has led me to a different conclusion. The general government was formed by the states; it can only be altered by the states; it is responsible to the states for its action; it was constituted a trustee by the states, for the benefit of the people, in relation to such matters, and none others, as were specially confided to it.

The integrity of the friends of a national bank, in consequence of the late extreme views, in order to enable them to seem to evade, while they violated the constitution, and to incorporate some institution of this kind. Fortunately for the country, all these attempts were unsuccessful—not so much, it would appear, however, from a disposition to preserve the constitution, as from inability on the part of the legislature to agree among themselves, as to the particular manner in which that instrument should be violated. And it is astonishing that the president of the United States should have vetoed two bank bills for constitutional reasons, without even alluding to the main question, which is unconstitutional. The result, namely, that congress has no power to incorporate a national institution of any sort. This question, like the sword of Damocles, is still suspended over our heads; and whether this state of suspense is to terminate in the ultimate triumph of the constitution, or in the prostration of that instrument to the influence of some mad and powerful man, is a question which belongs to the future. Unless, however, the indications of the times are grossly deceptive, the people are about to look to this subject, and to relieve the country for ever from the thralldom and the corruptions of a national bank. It is hoped that the legislature, in the next session, will give to the subject the consideration of any institution of this kind, by whatever name it may be called; and in the event of its passing congress in any shape, against the establishment of a branch in this state.

"The act to appropriate the proceeds of the public lands, and to grant pre-emption rights, as it is styled, is, in my judgment, the most extraordinary, as well as the most dangerous, measure that has ever emanated from the legislature of Alabama, and contains more of that subtle poison which is finally to neutralize the power and destroy the independence of these states, unless prevented by their constant vigilance, than any act passed by congress since the foundation of the government. This measure may be, and is, in answer to this objection, that it contains that could be embraced within its provisions. It violates the constitution by abolishing a permanent source of revenue belonging to the United States; thereby creating a necessity for increasing the duties on imports, which must fall unequally, and the weight of which must operate heavily and oppressively on the poorer states. It is answer to this objection, to say that the act is not to operate if it violates the compromise act of 1833—the compromise act is itself a violation of the spirit of the constitution. It violates the articles of cession from the ceding states to the United States, by distributing that which was intended to be a common fund, for the benefit of the ceding states jointly, among the individual states. It is an act of wasteful improvidence to give away three or four millions annually, when the national treasury is penurious, and places congress under the necessity of borrowing money, and taxing the neces-

saries of life, in order to support the government. It involves the right of congress to lay and collect taxes for the purpose of distribution among the states, in order to make them the plant subjects of national ambition and national power—for there is no difference between giving to the states the existing revenue, thereby creating a necessity for additional taxes, and laying taxes in the first instance, for the purpose of distribution.—It amounts to the same thing. Congress has no power to make donations when the treasury is thus straitened. It is attempted to give the character of these states, under such circumstances, to accept them. This act is one of that series of measures intended to pave the way for the permanent introduction of the misallied American system, the effect of which is to be to fasten perpetual burdens on the people of the south, in order to protect and foster the productions of labor in other sections of the union. If this law remains in force, it destroys all hope of reduction in the price of the public lands—a matter more interesting to the great mass of the people than any other, as it would enable every class, even the poorest, to provide homes for their wives and children, at a very moderate price. It is not to be expected that the price will be reduced while a majority of the states are interested in keeping it up, in order to increase the distributive portion to which each state is entitled. The true and wisest policy of this government, is to contribute to the happiness and comfort of the people; and not by exhausting existing sources of revenue, to increase the necessity for additional impositions, and diminishing their ability to become interested in the soil, by acquiring a home which after all, is the strongest tie to the soil and the country.

"The foregoing are some of the objections which apply with great force to the law for the distribution of the proceeds of the public lands. The 17th section of this act presents a subject for the consideration, and possibly for the action of the legislature. It provides that the two per cent of the nett proceeds of the lands sold by the United States, in the state of Alabama, on the first day of September next, 1842, and reserved by the act entitled "an act to enable the people of the Alabama territory to form a constitution and state government, and for the admission of such state into the union on the same footing with the original states, for the making of a road or roads through the Mobile and Tennessee rivers, and relinquished to the said state of Alabama, payable in two equal instalments; the first to be paid on the first day of May, 1842, and the other on the first day of May, 1843, and quarterly as the same may hereafter accrue. *Provided*, that the legislature of said state shall pass an act declaring their acceptance of said relinquishment, and also embracing a provision, to be unalterable without the consent of congress, that the whole of said two per cent. fund shall be faithfully applied, under the direction of the legislature of Alabama, to the connection, by some means or means not provided, of the navigable waters of the bay of Mobile with the Tennessee river, and the construction of a continuous line of internal improvements from a point on the Chatahochee river, opposite West Point, in Georgia, across the state of Alabama, in a direction to Jackson in Mississippi."

"This section of the act relinquishes to Alabama the right arising from this part of the stipulation of the public lands in this state, and which was reserved according to the terms of the act for our admission into the union, for the purpose of making a road or roads to the state. It is not perceived that this provision in the act of congress, would commit us to any extent of the object of the principle of the act is to be rejected, or accepting it, for one, should be for rejecting it without regard to consequences.

"It is certain that the two per cent. arising from the sales of the public lands in this state, can never become the property, or form a part of the revenue of the U. S. without our consent; and perhaps the act is correct in this part of the stipulation, that we are equitably entitled to the benefit of it.

"If the legislature should acquiesce in the correctness of this view, the only remaining question will be; whether they will now or at a more favorable period, bind the state to furnish the additional amount necessary to complete the work of internal improvement, contemplated in the act of congress. The entire cost of these works may be estimated at five millions—the amount of the two per cent. at three hundred thousand dollars—hence the sum to be furnished by the state would be four millions seven hundred thousand dollars. A more liberal estimate, in connection with the sister states of Georgia and Mississippi, by means of a permanent work of internal improvement is certainly a most desirable object, if we have the means to accomplish it. And the connexion of the navigable waters of the Mobile bay with the Tennessee river is, in every light in which it can be

viewed, a matter of vast importance. It would bring us into intimate connexion with one of the finest provision raising countries in the world, by which we should annually save vast sums in the purchase of productions directly from the producers, which we now have to purchase in the first instance in N. Orleans; and the difference of exchange on the articles thus purchased would, in a few years, be sufficient to construct the work. A work of this kind would also have the effect of connecting the two great sections of the state more intimately, and what is of still higher importance, it would in time bring emergency, from which the most pacific and enlightened nations have not always been exempt, afford great facility in the transportation of troops, munitions of war, and provisions from that quarter, to which in time of need we should be compelled to look for them. The whole subject is respectfully submitted to the legislature without a doubt, that they will dispose of it with due regard to all the high and important considerations which it involves."

LOUISIANA.

The supreme court, at its late session at Alexandria, decided the case of *Mrs. Jane Rowley vs. C. N. Rowley*, from Concordia. The Red River Whig says:

"This case, our readers may recollect, is the one in relation to the result of which, in the district court of Concordia, the difficulty arose between judge John A. Rowley and the *Rowley*, which finally led to the lamented death of Mr. Rowley. Mrs. Rowley had sued her husband for a separation of bed and board and property. The district court decreed that she was the owner of the property which she inherited from her father, of one-half of the community of acquits and gains, and granted her a separation from bed and board. From this decision an appeal was taken to the supreme court, which was decided in substance as follows:

"The judgment of the district court is annulled, avoided and reversed; and it is decreed that so much of the plaintiff's demand as relates to a separation of bed and board, and divorce, settlement, and partition of the community of acquits and gains existing between the plaintiff and defendant, be rejected and dismissed. It was further adjudged that the plaintiff, *JANE ROWLEY* be restored to the administration of her paraphernal estate, separate and apart from the assets of the community of her husband, and that she recover judgment for the sum of \$43,900—that sum consisting, principally, of the proceeds of one-third of the price of the Marengo plantation.

Judge GARLAND delivered the opinion of the court, which was a long and able one.

INDIANA.

EARLY HISTORY OF INDIANA. John D. Dillon, esq. of Logansport, is the gentleman to whom allusion was some time since made in the public journals, as having engaged in writing the "Early History of Indiana." Much of the history of our state, as we learn, has been devoted to this arduous undertaking—and it is gratifying to know that his indefatigable and persevering efforts have resulted already in the accumulation of a vast amount of most interesting and valuable data, from which, aided by such additional research as he may deem necessary, he will be able, in his power, to produce a work of no mean value. Mr. D. claims to have passed two weeks since, on his way to Vincennes, Corydon, Louisville, Ky. and other points, with the view of securing as many of the pioneers of the west as possible, and of drawing from them a mass of facts which may be able, what may yet be wanting to complete the ground-work of his plan. The manuscripts and correspondence of a distinguished citizen, now no more, whose history is intimately connected with that of the territory and state of Indiana from the year 1810, have, we believe, mostly fallen into the hands of Mr. Dillon, and he will doubtless draw from them much interesting matter connected with the secret history of the west during the late war with England.

In his collection we saw several specimens of the paper currency used among the French traders on the Wabash in the 18th century—all of which were redeemable in peltries and furs. But the most interesting relic, to us, was the first treaty ever made between the crown of Great Britain and the Miami nation of Indians, which appears to have been prepared with great care, for nearly a century, bearing date as it does in the year 1763. This treaty was written out on parchment, indented according to the English form, and besides the signatures and seals of the English commissioners, and the names and seals of the principal chiefs, it contains the marks of the latter, each in the form and similitude of a turtle—

rather clumsily drawn it is true, but presenting very much the same general features as the original. [Type-caster's Journal.]

ILLINOIS.

ILLINOIS VS. JOHN DELAFIELD. This important case is now on trial before the court of errors, sitting at Albany. Samuel Stevens, esq. is counsel for the appellant and for the respondent, Judge William Kent, and Willis Hall, attorney general. About \$60,000 is the amount at issue in this appeal. It is understood that the main point upon which the appellant's counsel will insist is, that the courts of this state have no jurisdiction over the case, it being cognisable only by the courts of the general government.

[N. Y. Express.]

POLITICS OF THE DAY.

THE HONORABLE ANDREW STEVENSON. Late minister to England has returned to the city of Washington. A number of the citizens of Philadelphia as he passed through their city, were anxious of showing their respect for his services by a public entertainment, but he declined in the following reply:

Philadelphia, Nov. 18, 1841.

GENTLEMEN: I have the honor to acknowledge the receipt of your kind letter, congratulating me upon my return to my native country, and inviting me to a public dinner at such time as may best suit my convenience. Few things would have afforded me more pleasure than to have had it in my power to have met so many of my personal and political friends, and availed myself of the opportunity of expressing to them in person my grateful acknowledgments for such a manifestation of confidence and kindness. Continued indisposition, however, from my late distressing voyage, and engagements which I am unable to control, will deny me this pleasure, and I must throw myself upon your indulgent kindness to excuse me for declining your proffered invitation.

For the too favorable estimate gentlemen, which you are pleased to place upon my conduct and services, and the undiminished confidence expressed in my principles and future course, I pray you to accept my warm and grateful acknowledgments. These services, and greater, had I possessed the ability to render them, were due to my country, and its approbation my only reward. I receive, therefore, the distinguished honor which you confer upon me, and am conscious that the subject and a sense of duty can inspire, enhanced as it has been by the very kind and flattering manner in which it has been done. And I do not utter words of mere form and ceremony, when I assure you, that next to my native state, there is no part of the union from which such a compliment could come with greater welcome, than from the democracy of Pennsylvania. Who is there that ought not to feel proud and flattered, when such men come forward to cheer and honor him with their approbation and confidence? In returning, gentlemen, after an absence of so many years abroad, I may yet be permitted, I hope, to say that I return not only unchanged in heart and sentiment, but more devoted than ever to my country, and to those principles and doctrines of our republican fathers, upon which I have acted for the last thirty years, and which are identified with the whole course of my public life. These are the principles which I have ever most cherished, and carry with me to the grave, and upon the maintenance of which, in my opinion, depend the success and triumph of our free institutions.

I request, gentlemen, that you will accept, individually, assurances of the cordial esteem and respect with which I have the honor to be to you an obedient and faithful servant.

To Messrs. Dallas, Ingersoll, Giffin, Rush, Vane, Pennington, Cobb, &c. esquires.

THE VETO POWER.

THE VETO POWER—ITS HISTORY.

From the Savannah Georgiaian.

The veto power originated with the ancient Romans, and was the first essay of the common people of the republic towards the securing of their proper liberties. The Plebeians, having been oppressed by the Patricians, at the instigation of Scipio, about 260 years after the founding of the republic, seceded to a mountain, three miles distant from Rome, (eventually termed *Mont Sacer*), and would not return to the city until they had received from the Patricians compliance with their demand, and the solemn assurances that the common people should elect magistrates, whose persons should be sacred and inviolable, to whom they could commit the protection of their

rights. These magistrates were called *Tribunes*, and were chosen from the Plebeians, and no Patrician could hold the office, unless he had first been adopted into a Plebeian family. Their power was at first limited, but at the same time extraordinary. It was *preventive*, rather than enforcing; it was to interpose and protect the people from oppressions and tyranny of their superiors; to assist them in redressing their wrongs, and in maintaining their liberties; and consisted in the utterance of but one word, and that one "veto," I forbid. These officers could prevent the discussion of any question, the passage of any law, the execution of any sentence, the levying of any taxes, the enlisting of any troops, almost arrest the machinery of government, by standing up and speaking that one word *veto*. No reasons were required of them; no one dared oppose them; their veto was supreme! As originally designed, it was emphatically the people's measures for the people's protection; the necessary balance-wheel, to equalize the power of the government, which had hitherto been engrossed by the rich, and give the people that interposing check which the alarming tyranny of the Patricians made necessary. It was the first attempt at a democracy, i.e. a people-ruling institution, and in all its features, save that of unlimited power, showed the humility of its origin. The Tribunes were chosen from the Plebeians, and they were no insignia of office, save a kind of beadle, who went before them; were not allowed to use a carriage, had no tribunal, but sat on benches. Their doors were open night and day for the people to prefer their requests or complaints. They were not allowed to enforce the senate, and were not even dignified with the name of magistrate; as designed by Scipio, they were the mere unadorned majesty of the people's voice, assimilated to the lowly pretensions of the people, the visible exponent of their will. These popular traits did not, however, long remain. The grasping ambition of some of the Tribunes, for change in others, soon abused the power, the Tribunes became themselves a greater evil than they remedied, and their authority was more tyrannical than the edicts of those they were created to oppose.

Veto became a word of despotic power. The decrees of the senate, the ordinances of the people, the laws of the state, were all bowed to their supremacy; and such was the force of the word, that not only could it stop the proceedings of the magistrates, which Cesar well calls "*extremum jus tribunum*," but, whoever, senators or consul, Patrician or Plebeian, dared oppose it, was immediately led to prison, and there to die. As so sacred were the persons of the Tribunes, that whoever hurt them was held accused, and his goods were confiscated. Sylla was the first who resisted the gross encroachments of the Tribunes; but on his death they regained their influence, and henceforth it became but the tool of ambitious men, who used it to the utmost ruin of the state. Such was his abuse, that, as Cicero says, the popular assemblies became the scenes of violence and massacre, in which the most daring and iniquitous always prevailed. The perversion of the original design of the veto was now completed by the acts of the Emperor Augustus, who got the tribunes to resign their office, and made the veto concentrated in his person the entire uncontrolled disposition of the state. This was the first instance of the combination of royal and veto power, and its assumption was all that was wanting to make the king a tyrant. From this time it was conferred upon the emperors, and the veto power continued to be elected, without, however, the exercise of it, until the emperor, until the time of Constantine, when the office was abolished.

The early operation of the veto power in Rome was good, the subsequent disastrous. At first it protected the people, gave them a voice in the legislative assemblies, and secured their liberties; ultimately, however, the lower orders, excluded them from the councils of the nation, and made the veto powerful instruments of power-hungry demagogues. The first civil blood shed at Rome was the blood of Tiberius; the Tribune battling, imprudently indeed, against the oppressions of the nobility. The last created continued and tragic series of intestine wars, the perversion of that power which was at first designed to give peace and unity to the Roman nation. So true has it ever been, that the delegated power of the people when abused has always reverted to their hands. Having traced the veto power from the simple word of Tribune, to the imperial exercise of its rights in Rome, we are now prepared to come down to modern times, and cite a few instances of its adoption and influence in European states.

The king of Great Britain possesses the veto right, and the power of parliament, though no instance of its exercise has occurred since 1692. In fact, constituted as the British government is the veto is entirely unnecessary. Such is the powerful agency of the monarch, and influence that they will prevent the passage of any law obnoxious to the crown, and the king can, through his ministers, so trim and shape the proceedings of those bodies, as to accommodate them to his views. While, on the other hand, the taking away responsibility from the monarch, and resting it with the cabinet, which varies, with the changes of public sentiment, never creates an agency for the exercise of the royal negative. The same power is vested with the king of Norway, but if three successive Storthing or Diets repeal the resolution or decree, it becomes a law without the king's assent, though he may have negatived it twice before. As the Storthing, however, sits only every third year, the veto of the king, though it may not eventually be ratified, has yet a prohibitory on any given law for six years. It was thus that nobility was abolished in Norway in 1821. The king had twice vetoed the law, passed by the Storthing, against the further exercise of the veto, and the Storthing Diet confirmed the resolutions of two former, and the law became established, notwithstanding the royal negative.

The constituent assembly of France conferred the veto power on the king in 1789, but the very first exercise of it proved his ruin. It was preposterous for such a body, and at such a time, to make such a provision in the constitution, and the king, as a monarch, and as affairs then stood, when judicious temporising, and not royal prerogative, was required. It was equally preposterous in Louis to employ it. It but slowed the waywardness of the popular will, which could at one time grant such a right, and at another punish the king for its exercise. The negative is, however, held by the present king, though it has never yet been put into requisition.

By the constitution of the Cortez, the king of Spain was vested with the same power, and it still forms a provision of the Spanish government. In Poland the veto power assumed another shape. It was centred not in the king, but in the Diet, and the king, as a member of the Diet could by his *Nie Poszanala* (I do not permit it) prevent the passage of any resolution, and defeat the operations of the rest. On the partition of Poland, Russia confirmed this *liberum veto* to the Polish assembly with the sinister design of keeping the Diet in a state of inefficiency or dependence; legislation; well knowing that in its then distracted state, the continuance of this individual veto would be, as it proved, destructive to harmony of action and unity of design, and the *Nie Poszanala* of the Polish representative has been but an apple of discord to that unhappy suffering people.

Upon the adoption of the American colonial assemblies, there existed a double negative, or veto vested in the royal governor, the other in the king. By the royal governors the right was often exercised, and the king frequently signified his disapproval of acts which had not only passed the colonial assemblies, but even been sanctioned by the governor. This feature was one strongly set forth as a prime grievance, in recounting the injuries and usurpations of the British monarch, in the Declaration of Independence, and its exercise was highly repugnant to the interests of America.

Dr. James Madison, in debates of the federal convention, thus shows the utility of the veto power under the proprietary government of Penna:

"The negative of the governor was constantly made use of to extort money. No good law whatever could be passed without a private bargain with him. An increase of salary, or some donation, was always made on a different bill, in vast, it became the regular practice to have orders in his favor on the treasury presented along with the bills to be signed, so that he might actually receive the former before he should sign the latter. When the Indians were stealing the western people, and notice of it arrived, the commander of the governor in the means of self-defence could not be so slow as was sometimes the case, his estate should be exempted from taxation; so that the people were to fight for the security of his property, whilst he was to have no share of the burdens of taxation."

At first sight, then, it appears strange that the framers of our constitution should have originated a new government, which should combine the experience of the past, without borrowing any of its defects, should bring in such a power, the operation of which had proved so baneful, and which had already been so strongly reprobated. But such was the fact. The war of the Revolution over the articles of confederation alone bound the states together, and the reaction which took place in several places, urgently demanded some new form of compact more ade-

quate for the purposes of government, and more consistent with the character of the officers. I mean the civil and political officers, and not the military. I have seen the choice of proper officers, and the adoption of necessary rules, Mr. Randolph, of Virginia, opened the history of the convention by proposing, on the 29th May, a series of resolutions, embodying his views as to what the crisis required, and on the same day general Charles Pinckney, of South Carolina, laid before the delegates the draught of a federal compact, to be agreed upon between the free and independent states of America. The veto power entered into the scheme of the gentlemen, though centered by them in different points. The 5th resolution of Mr. Randolph says:

"Resolved, That the executive and a convenient number of the national judiciary ought to compose a council of revision, with authority to examine every act of the national legislature before it shall operate, and every act of a particular legislature before a negative thereon shall be final; and that the dissent of said council shall amount to a rejection, unless the act of the national legislature be again passed, or that the act of a particular legislature be again negatived by the members of each branch."

The article embracing this feature in the draught of Mr. Pinckney reads thus:

"Every bill which shall have passed the legislature shall be presented to the president of the United States; if he approves it, he shall sign it; but if he does not approve it, he shall return it, with his objections, to the house in which it shall have passed, and the members present, notwithstanding the president's objections, agree to pass it, shall send it to the other house, with the president's objections; where, if two-thirds of the members present also agree to pass it, the same shall become a law. And all bills shall be signed by the president, and not returned by him within a certain time, shall be laws, unless the legislature, by their adjournment, prevent their return, in which case they shall not be laws."

Mr. Randolph's views were evidently based on the suggestions of Mr. Madison, or that gentleman, in a letter to Mr. Madison, a few weeks previous, urged the same idea of a negative by the national government, "in all cases whatsoever, on the legislative acts of the state, as the king of Great Britain heretofore had."

The resolutions of Mr. Randolph become the basis on which the proceedings of the convention commenced, and, as Mr. Madison says, "to the developments, narrations and modifications of which, the plan of government proposed by the convention may be traced."

Let us, then, follow out the discussions of this body until the suggested joint revision by the executive and judiciary became altered to the single negative of the president. On the 4th June the first clause of Mr. Randolph's eighth resolution was taken up; but Mr. Gerry, from Massachusetts, doubting whether the judiciary ought to have anything to do with it, moved to postpone the clause, and introduced the following amendment:

"That the national executive shall have a right to negative any legislative act which shall not afterwards be passed by — parts of each branch of the national legislature."

Rufus King, from Massachusetts, seconded the motion, and the opinion of Mr. Gerry was taken up. Mr. Wilson, of Pennsylvania, and Alexander Hamilton, of New York, wished to strike out the latter clause, so as to give the executive an absolute negative on the laws; but, though supported by these gentlemen, it was opposed by Dr. Franklin, Roger Sherman, of Connecticut, Madison, Butler of South Carolina, and Mason of Virginia; and was therefore negatived.

Mr. Butler and Dr. Franklin then wished to give a suspending instead of a negative power; but this was overruled, and the blank of Mr. Gerry's resolution was filled up, *sub stituted*, with two-thirds; and the question was taken on the motion, as thus stated, it received the votes of eight states, Connecticut and Maryland voting in the negative. On the 6th June, according to previous notice, Mr. Wilson and Mr. Madison moved to reconsider the vote, excluding the judiciary from a share in the revision and negative of the laws, with the view of reinforcing the latter with the influence of the former. But though Mr. Madison urged the plan of associating the judges in the revisionary function of the executive, or thereby doubling the advantages and diminishing the dangers, and as enabling the judiciary better to defend itself against legislative encroachments, it was as eloquently opposed by Mr. Gerry and others, who thought the executive, while standing alone, would be more impartial than when he could be covered by the sanction and seduced by the sophistry of the

judges; and it was finally rejected. Two days after, the proposition of an executive and judicial council, of the number of each branch to be determined by the convention by Mr. Randolph's resolutions, and subsequently brought up for reconsideration by Mr. Pinckney and Mr. Madison, was also voted down, three yeas in the affirmative, seven in the negative, Delaware was divided.

On the 15th of June, Mr. Hamilton offered to the convention a plan of government, the fourth article of which the veto power was unqualifiedly conferred on the executive. The next day, Mr. Gorham, from Mass. reported from the committee appointed to reconsider the various propositions before the convention, that the tenth resolution of the report says: "That the national executive shall not have a right to negative any legislative act which shall not be afterwards passed, unless by two-thirds of each branch of the national legislature." The convention proceeded to take up the several articles and clauses of the report, and it was not till the 18th July that the tenth resolution became the order of the day; it was then passed *unanimously*. On the 20th, however, Mr. Wilson still entertaining his original views as to the union of the judiciary with the executive on the veto power, moved an amendment to the resolution, which gave rise to a most interesting debate, in which Mr. Elsworth, of the Connecticut, Mr. Mason, of Virginia, and Mr. Madison, and the six members from Morris, of Pennsylvania, sustained the views of Mr. Wilson; and Messrs. Gorham, Gerry and Strong, of Massachusetts, Mr. Martin of Maryland, and Mr. Rutledge, of South Carolina, opposed them, and the amendment was lost. The original resolution, therefore, was again passed.

Having gone critically through with the report of the committee, the various resolutions which had been agreed to were, on Thursday, 26th July, referred to a committee of detail, to report on Monday, August 6th, a draught of the constitution. This committee, of which Mr. Rutledge was chairman, reported on the day assigned, and the veto power was conferred by the 13th section of the sixth article. This paragraph, as reported by the committee, came under discussion on Wednesday, 15th August, when Mr. Madison moved an amendment which revived of the previously agitated question of uniting the judges of the supreme court with the president in his revision and rejection of laws passed by congress. Much debate followed. Mr. Wilson and Mr. Mercer supported Mr. Madison, and Mr. Pinckney opposed. The amendment was lost—three states voting for it, and eight against it. Having thus surveyed the subject in all its bearings, the constitution, amended, altered and perfected, was, on the 17th September, 1787, signed by the convention, and constitutes to this day the basis of our government. The veto power in this constitution is thus expressed, article 1, sect. 7:

"Every bill which shall have passed the house of representatives, before it become a law, be presented to the president of the United States; if he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it."

The first use of this constitutional power was by Washington, who, on the 5th April, 1793, vetoed the "representation bill," which originated in the house of representatives. As this, from its priority, is an event worthy of extended notice, we give the circumstance of the case, as briefly related by Jefferson, then secretary of state:

"April 6th, 1793. On Monday, the 5th, I went to breakfast, and first introduced some other matters, then fell on the representation bill, which he had in this possession for the 10th day. I had before given him my opinion in writing, that the method of appointment was contrary to the constitution. He standing of that opinion, and to which was understood at the time by the makers of it, that it was under the construction which the bill put; and he observed that the vote for and against the bill was perfectly geographical—a northern against a southern side with a southern party. I admitted the fact of delicacy, but that it should not induce him to do wrong, and urged the dangers to which the scramble for the fractionary members would always lead. He expressed his fear that there would, ere long, be a separation of the union; that the public mind would be ready on any pretence to secede. I went home, sent for Randolph, the 11th, and he desired him to get Mr. Madison immediately, and come to me; and if we three concurred in opinion, that he would negative the bill. He desired to hear nothing more about it, but that we would draw up the report for him to sign. They came—our minds had been before made up—we drew the instrument."

Randolph carried it to him, and told him we all concurred in it. He said, "I do, upon my honor." He sent it to the friends of the bill, and the house of representatives instantly. A few of the hottest friends of the bill expressed passion, but the majority were satisfied with it, and out of doors it gave pleasure to have at length an instance of the negative being exercised. Written this the 9th April."

This was in Washington's first term. Again elected, he again, on the 1st March, 1797, vetoed the bill inshutment of the elderly Adams nor Jefferson employed it. President Madison vetoed the following bills, all but the bank bill originating in the house:

February 21, 1811. Church in Alexandria.
February 28, 1811. Baptist church.
April 12, 1812. Judicial bill.
November 6, 1812. Naturalization.
January 20, 1812. United States bank.
March 3, 1817. Bonus bill.

President Monroe, on the 4th of May, 1819, vetoed the bill of the house of representatives "for the preservation and repair of the Cumberland road."

Following on the views of President Monroe in his veto, President Jackson also put his first veto, May 27, 1830, on the "Maysville road bill" from the house. Also, on the 31st May, 1831, "an act to authorize subscription of stock in the Washington Turnpike company."

December 17th, 1831—"An act making appropriations for building light-houses, light-boats, beacons, monuments, placing buoys, and for improving harbors and directing surveys."

An act to authorize a subscription to stock in the Louisville and Portland Canal company."

July 10th, 1834—"An act to modify and continue an act to incorporate the subscribers to the Bank of the United States."

December 6th, 1832—"An act providing for the final settlement of the claims of states for interest on advances made to the United States during the late war." The same day he also vetoed the harbor bill.

December 5th, 1833—"An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and granting lands to certain states."

In 1834—"An act for making an appropriation for improving the navigation of the Wabash river."

June 9th, 1836—"A bill fixing a day for the meeting of congress."

And on the 3d March, 1837, virtually vetoed the currency bill of the senate.

President Tyler vetoed, August 16th, 1841, the fiscal bank bill, and on September 9th, 1841, the fiscal corporation bill.

Such is a plain history of the veto power. As it respects the several states, the executive in some have the power, in others not. Those which possess the negative power, such as is given to the president, the New York, New Hampshire, Massachusetts, Pennsylvania, Georgia, Louisiana, Mississippi, Missouri and Maine. The other states do not have it at all, or the bill when returned by the governor may be re-passed by a mere majority.

Of the ten presidents, five have made use of the veto power, and five have not.

The following paragraph in relation to the president's veto, is taken from a late number of the London Times.

"Mr. Tyler, the new president, elevated to that office without any popular election, by a dispensation of Providence, at least as accidental of the de vote on the bill of irresponsible monarchy, has placed the veto upon a bill of immense importance, for incorporating a bank of the United States, which had passed both houses of congress, merely on the ground of his own personal convictions. In monarchical England, the sovereign has a veto, but it has never been exercised for 150 years; yet in democratical America, the veto is a power which a single man, and that man not chosen for the purpose."

"In England the prerogatives of the crown are exercised, not according to the private opinions of the sovereign, but under the advice of responsible ministers; but in America, the democratic chief refuses his assent to a law because it is contrary to his individual judgment. And, to make the case still stronger, this is done upon the great party question of the day; the very question which came uppermost during the late presidential election, and on which the contest was waged. He has signified their will by rejecting the candidate who then professed views similar to Mr. Tyler's, and elected one pledged to adopt an opposite course. Our readers will perceive that we regard this matter merely in a constitutional point of view."

Eastern Shore of Maryland tells us that the fly has already appeared in the fields that were sowed early in Peninsula.

THE TIMES' NATIONAL REGISTER.

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CHRONICLE.

SANTA FE AND THE FAR WEST.

From the *Evesville (Indiana) Journal*.

We are permitted by a gentleman residing in the neighboring county of Gibson to take the following extract from a private letter from him, dated,

Santa Fe, July 29, 1841.

I left Vincennes on the 23d April for St. Louis, with a view of ascertaining the object of the visit by the company raising for the Pacific ocean. When I arrived at St. Louis, I found I had to proceed to Independence, the southern terminus of the Santa Fe company, and adjoining the Indian boundary, four hundred miles farther. There I found three different caravans busily recruiting; the reverend bishop Smith, with a caravan to establish a mission amongst the Blackfoot Indians, in the valley of the Columbia river, who left with the caravan, to California by way of the head waters of the Columbia river, commanded by col. Bartleson and Richman, composed of about ninety persons, male and female. The second to California, composed of one hundred men and about thirty women and children—the yearly caravan composed of merchants to this city, Chinhuana and Seneca, composed of about eighty men and forty wagons, loaded with merchandise, &c. The caravans all left between the 8th and 10th May. After ascertaining the object of the California caravan, governor Briggs and myself having understood positively a caravan was to leave from Santa Fe to join the one by the way of Columbia, raised ten men and agreed to leave at a time to overtake the Santa Fe company at or near the Arkansas, but on the evening previous to our departure the governor's wife was taken unwell, and he was compelled to abandon the adventure. Accordingly, on the 19th May, myself with eight others, with three little wagons loaded with provisions and arms, and three riding mules, left the line of Missouri for the far west.

The Indian country as far as Council Grove, two hundred miles from the line, is perhaps as fine a tract of country as can be found in the world; there is rather a scarcity of timber, but in soil and water none superior. The Council Grove, as it is called, is the ancient site of once a proud and mighty city. It is situated on the main White river, which here forms a crescent or curve of about nine miles in circumference, and contains more than a hundred mounds, half of which are more than ten times as large as those near Vincennes—those in the centre are in the form of a square, many containing a surface of more than two acres, some in the form of a triangle and others perfectly round. Here the Pawnee, Arapaho, Camanche, Loups, and Eutaw Indians, all of whom are at war with each other, meet and smoke the pipe once a year in peace. Every

person and the things are sacred for many miles around this peaceful grove. This ceremony has been handed down for many centuries to the red men by their forefathers, and here their chiefs and great men are brought from hundreds of miles around to be buried one of them every two weeks before we passed, had a proud mound of stones erected to his memory, with a pole painted red and a scalp appended thereto, to show that he had been a great brave. The numerous camps every where to be seen around here, at once convince the traveler that here is the great rendezvous of thousands annually. From there onward, for four hundred miles, there is nothing to be seen but one eternal desert, without one, even one solitary stick of timber to cheer the eye for thirty days. Nothing here is to be had but buffalo dung to cook the food that is used, but of this the whole prairies are covered, and it is an excellent substitute.

We overtook the caravan in sight of the Arkansas, about four hundred miles from the line of the United States and eight hundred from St. Louis, without trouble by the Indians, and attached ourselves thereto for duty in crossing the river, which is much larger than at the mouth, and always muddy and rolling her quicksands into bars almost every hour, so that fords or crossings are dangerous and uncertain. From the Arkansas river the scarcity of water commences, and even the little to be had is so deeply impregnated with salt, sulphur, &c. that stern necessity alone brings the traveller to the use of it. On the Sacramento river there are one or two good springs, at one of which we met of the Arapahoe Indians five hundred warriors, who treated us with a proper friendship, elated with their success ten days before, when, in battle, they killed seventy-six Pawnees. We gratified them with encamping on the battle ground, where the untired bodies were yet almost warm. The next day we visited their lodge, six miles from the battle ground, where we had a full view of savage life in a perfect state of nature; amongst five hundred women and children there were but few that had never before seen the dress and equipage of the white man.

After leaving the good and friendly Indians, we were cheered in eight or ten days with the far distant appearance of the Rocky Mountains. From day to day as we approached them, the beauty of the scenery increased, and when within twenty miles, the reflection of the sun through the melting snow that eternally covers their highest peaks is splendid beyond all description. Here the traveler beholds a chain of many hundred, nay, thousands of miles, piled up, as it were, until they reach to heaven, with stone uncovered with verdure or shrubs of any kind; nothing but the white caps of snow, and rough and terrific precipices, varied for the eye to behold, but yet reaching the crossings of Red river, at the foot of the mountain, and here the pine and cedar tree again, on the mountain side and in the valley, greet the eye once more; and here on this plain we had to encounter about three hundred Eutaw warriors, but, after repeated skirmishing, they were fain to retreat, without effecting any great success. We then rode here to the town of Bogas we found water, wood, and good cheer. The caravan arrived in this city on the 2d July, all in good health, in less than two months, the quickest trip ever made over the desert.

Now for Santa Fe, or the Holy City. It is situated in a valley 10 miles long, and from 2 to 5 wide, surrounded by immense mountain ranges, the sides of which are covered with red rocks, and one foot wide, made with straw and mud, and dried in the sun; and such is the durability that many houses more than two hundred years old are standing and look well; they are only one story high, handsomely whitewashed inside, with dirt floors. The houses are one and a half stories high, and no other than dirt floor, but they are generally covered with carpets; the houses are covered with stones and dirt, and are flat roofed, perfectly weather proof. The city contains six churches, generally richly fitted out. The population is about eight

thousand inhabitants, all rigid Roman Catholics. It is situated on a small branch of the Rio del Norte, and about 14 miles from the main river, which is near the size of the river Wabash at Vincennes.

The ladies, certainly, are far more beautiful in this country than those of the same rank in America; their dark eyes, slender and delicate frame, with unusual small ankles and feet, together with their gay winning address, make you at once easy and happy in their company. Perhaps no people on earth love dress and attention more than the Spanish ladies and it may be said of a truth, that their gorgeous costumes, with the man, are matters to boast of amongst themselves. The work but little; the fandango and siesta form the division of time. The fandango is a lascivious dance, partaking in part of the waltz, cotillon, and many amorous movements, and is certainly handsome and amusing. It is the national dance. In this the governor and most humble citizen move together, and in this consists all their republican boast.

The men are honest—perhaps more so than those of the same class in the United States, proud and vain of their blood—the descendants of the ancient Spaniards of their pure blood—those of the Spaniards and Pueblo Indians, the descendants of their great monarch, Montezuma, doubly more so. The pure blood cannot inherit office here; the present governor general, and all the officers of state, are of the mixed blood of Montezuma. This has been the case since the year 1836. In that revolution fell the most honorable and beloved of all the native Spaniards in Mexico, and all his family were banished. In the city there is but one officer of justice, the Alcalde, and he has nothing to do.

The commerce of this place is certainly very considerable; and although there is but one gold mine worked here now, and one copper mine, yet the daily receipts amount to about six or seven hundred dollars net. More than from one to two hundred and twenty hands are employed at work. The revolution has set every thing aback here in the mining departments, as they were generally held by natives of old Spain, and accounted for its to the general government after the revolution. This thing will soon be settled, and then the Holy City will appear in all her gaudy plumage again.

I start in two or three days to California. The company consists of about two hundred Americans and Spaniards, to co-operate on the 1st of January, 1842, with the Columbia caravan, at Monterey, on the bay of San Francisco. We expect the governor will allow us to settle, and concede to us certain lands, &c.

NATIONAL AFFAIRS.

CONSUL. THORNGREN ZEENAS has been recognized by the president of the United States as vice consul of Sweden and Norway for the port of New York.

THIS HON. HENRY CLAY. We are happy to state that Mr. Clay's health is entirely able to state, that Mr. Clay's friends that he leaves Ashland in a few days for Washington city, where we have no doubt he will remain as long as his services can be of any benefit to his country. The rumor, that he only awaits the meeting of the legislature to tender his resignation, is unfounded. It is not possible that Mr. Clay should at this time, when, above all other things, his counsel is needed, retire from his post, and yield the citadel to the enemy.

Lexington, (Ky.) Intelligence.

PRESENT TO MR. CLAY. A number of citizens at Dayton, Ohio, purchased a plough exhibited at the agricultural fair recently held in that city, and presented it to Mr. Clay, accompanied with a handsome complimentary letter, to which he replied as below.

Ashland, November 9, 1841.

Gentlemen: I have received your obliging favor of the 3d instant, and the plough which you have done me the honor to send. I request your acceptance, and that of the gentlemen by whom it is offered, of my cordial thanks for a present so congenial with my most agreeable occupation and indicative of the best and the most innocent pursuits of man. It is a magnificent specimen of its kind, and highly creditable

to the skill and taste of Mr. Wilnington, who made it. If our lawmakers would work as well, and as true, as I am sure this plough will, their laws would be as good as the crops which, I am persuaded it may be made to produce.

I am gentlemen, inexpressibly thankful and grateful for the confidence you have so kindly conveyed in my public career. It is perfectly true that it has been one of full difficulties; resulting, from political opponents, and recently from both professed friends and open foes. Whether proceeding, however, from the one or the other, or from both, my rule of conduct has been, and, during the short time I expect to remain in the public councils, will be, to discharge my duty fully, firmly and faithfully, regardless of all personal consequences. Your personal gratification—coming, as it does, from a respectable portion of Ohio to which I have been under the greatest obligations. I tender a heartfelt acknowledgment of these to you, and to those who, on this occasion, you represent. Your friend and obedient servant.

H. CLAY.

Messrs. D. Kiler, P. Voorhes, and D. A. Heynes.

NORTH EASTERN BOUNDARY. The correspondence of the Boston Mercantile Journal, under date of Bangor, Maine, November 22, says—The northeastern boundary commissioners, I understand, have completed their *ex parte* labors, with the exception of Major Graham, who has been unfortunately delayed by reason of a dense smoke which filled the region where he was located. Six weeks of his time have been unoccupied in the business of the commission in consequence. He will leave the line for the fall and winter, somewhere in the vicinity of the St. John river and at about thirty miles from the N. E. angle of the state.

Professor Renwick, who ran the line from the N. E. angle, along the highlands, to the N. W. angle, arrived at its terminus on the 20th of October and returned home by the way of Quebec. The part of his party under Mr. Lally, returned by this route. The highlands are of a description that leaves no doubt of their identity with those mentioned in the treaty.

Captain Talcott, who ran the westerly line to the N. W. angle, arrived there a short time previous to Professor Renwick's party. The British commissioners followed directly upon Captain Walcott's line to the highlands. They have left for the winter, and will not again go up until the spring. The fact that they were satisfied that Captain T's line is the true one, argues favorably to the early settlement of the whole line in our favor. The British officers on the Tenoscouate lake, went over the ground and examined some part of the survey, on the highlands, and he is said to have expressed themselves with the justness of the American claim. The sources of the rivers running into the St. Lawrence, and into the Atlantic were discovered, and frequently, at no great distance apart.

The land throughout this region is remarkably sterile. The ground is mostly dry, the climate is cold. The earliest snow this season fell on the 15th of October; I believe later than usual. When the party left on the 20th, the snow was six inches deep.

The joint commission will probably go upon the line some time next year; and doubtless before the year 1843 has expired, the much vexed boundary question will be settled in our favor. This result will not be at all agreeable to our New Brunswick neighbors; who, finding the heavens and the earth against their claim, are already yelping anathemas against all the Yankees in general, and Major Graham in particular, for consulting these unscrupulous authorities in the matter.

The above information I have from one of the "Highland" party. Our lumbermen are going largely into their business the coming winter. Seldom, if ever, have more teams been fitted out than there have been this fall. One man, I am told, sends two hundred men into the woods. How many others send as many, I am not informed.

SACS AND FOXES. The Galena Gazette says that Governor Doty has returned from the council held with these Indians. He reports, that the commissioners were unable to effect a treaty. Their instructions were, to buy no part of their lands, unless they could buy the whole. The Indians refused to treat on these conditions.

A delegation of some twenty Indians, the chiefs and head men of the Sacs and Foxes, passed up the river on board the Lehigh, on their way to Washington. We were not made acquainted with the object of their visit, but presume it had relation to the treaty spoken of by the Gazette. They were dressed and painted in the real Indian style, and created quite an interest among those of our citizens who were fortunate enough to get a glimpse of them.

[Leansville Jour.

SKETCH OF THE NATIONAL REGISTER—DEC. 4, 1841.—NATIONAL AFFAIRS.

[CONCLUDED FROM PAGE 201.]

TONNAGE COLLECTED FROM THE UNITED STATES.

STATES AND TERRITORIES.	AMERICAN.				FOREIGN.				Total American and Foreign.			
	No.	Tons.	CREWS.		No.	Tons.	CREWS.		No.	Tons.	CREWS.	
			Men.	Boys.			Men.	Boys.			Men.	Boys.
Maine	479	82,534	3,374	223	1,134	75,055	4,306	35	1,613	157,589	7,680	257
New Hampshire	11	1,925	86	1	42	2,939	142		53	4,864	328	1
Vermont	211	52,084	1,357						21	22,054	1,357	
Massachusetts	940	197,995	7,744	300	764	58,765	3,908	5	1,704	246,760	13,652	305
Rhode Island	101	17,436	1,054						101	17,436	1,054	
Connecticut	126	24,122	1,530	86	5	479	24		1	24,601	1,554	87
New York	3,411	518,202	26,383	1,993	1,678	343,114	22,300	138	4,059	861,316	48,583	2,133
New Jersey	4	735	34						4	735	34	
Pennsylvania	376	72,388	3,175	234	83	11,340	603	79	459	83,628	3,778	313
Delaware	352	67,718	3,302		109	25,546	1,217		461	93,264	4,419	
District of Columbia	82	12,815	603	16	30	2,869	145	8	102	15,504	748	24
Virginia	223	48,640	2,089	11	37	6,218	353		260	54,858	2,442	11
North Carolina	284	38,190	1,688	2	31	3,029	147		315	41,199	2,115	2
South Carolina	322	82,090	3,532	132	84	25,465	1,564	146	406	107,555	4,352	278
Georgia	141	17,016	1,730	4	90	43,968	1,901		231	68,041	3,294	4
Alabama	251	94,551	3,531		57	23,552	1,002		308	118,103	4,532	
Mississippi												
Louisiana	890	277,021	10,658		265	73,350	3,571		1,155	350,371	14,230	
Ohio	99	8,705	410		44	3,265	152		143	11,973	516	
Kentucky												
Tennessee	68	4,786	235		119	6,370	317		187	11,156	552	
Michigan	212	11,163	1,030		21	1,345	136		233	12,508	1,166	
Florida												
Missouri												
Total	7,583	1,647,009	75,445	3,003	4,583	706,486	40,886		412	12,166,233	593,445	116,331

Treasury department, register's office, May 29, 1841.

T. L. SMITH, register

Treasury department, Register's office, May 29, 1841.

STATES & TERRITORIES.	VALUE OF IMPORTS.				DOMESTIC PRODUCE.				VALUE OF EXPORTS.			
	In short-term vessels.	In foreign vessels.	Total.	In short-term vessels.	In foreign vessels.	Total.	In short-term vessels.	In foreign vessels.	Total.	In short-term vessels.	In foreign vessels.	Total.
Maine	\$504,123	\$129,579	\$633,702	\$689,909	\$1,009,910	\$1,699,819	\$1,009,910	\$1,009,910	\$1,009,910	\$1,009,910	\$1,009,910	\$1,009,910
New Hampshire	67,411	47,236	114,647	19,748	1,065	20,813	19,748	1,065	20,813	19,748	1,065	20,813
Vermont	404,617	306,151	710,768	306,151	306,151	612,302	306,151	306,151	612,302	306,151	306,151	612,302
Massachusetts	15,813,500	700,298	16,513,798	16,513,798	3,297,287	19,811,085	3,297,287	19,811,085	19,811,085	3,297,287	19,811,085	19,811,085
Rhode Island	270,434	6,661	277,095	277,095	277,095	277,095	277,095	277,095	277,095	277,095	277,095	277,095
Connecticut	50,290	1,297,150	1,347,440	1,347,440	1,347,440	1,347,440	1,347,440	1,347,440	1,347,440	1,347,440	1,347,440	1,347,440
New York	9,000,000	1,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Pennsylvania	7,835,000	620,875	8,455,875	8,455,875	8,455,875	8,455,875	8,455,875	8,455,875	8,455,875	8,455,875	8,455,875	8,455,875
Delaware	4,357,884	552,802	4,910,686	4,910,686	4,910,686	4,910,686	4,910,686	4,910,686	4,910,686	4,910,686	4,910,686	4,910,686
District of Columbia	76,634	48,915	125,549	125,549	125,549	125,549	125,549	125,549	125,549	125,549	125,549	125,549
Virginia	48,634	63,415	112,049	112,049	112,049	112,049	112,049	112,049	112,049	112,049	112,049	112,049
North Carolina	1,635,183	83,415	1,718,598	1,718,598	1,718,598	1,718,598	1,718,598	1,718,598	1,718,598	1,718,598	1,718,598	1,718,598
South Carolina	357,303	134,225	491,528	491,528	491,528	491,528	491,528	491,528	491,528	491,528	491,528	491,528
Georgia	402,211	172,440	574,651	574,651	574,651	574,651	574,651	574,651	574,651	574,651	574,651	574,651
Alabama	7,374,300	3,308,881	10,683,181	10,683,181	10,683,181	10,683,181	10,683,181	10,683,181	10,683,181	10,683,181	10,683,181	10,683,181
Mississippi	2,426	2,480	4,906	4,906	4,906	4,906	4,906	4,906	4,906	4,906	4,906	4,906
Louisiana	9,341	4,915	14,256	14,256	14,256	14,256	14,256	14,256	14,256	14,256	14,256	14,256
Ohio	137,225	1,385	138,610	138,610	138,610	138,610	138,610	138,610	138,610	138,610	138,610	138,610
Kentucky	136,775	63,533	200,308	200,308	200,308	200,308	200,308	200,308	200,308	200,308	200,308	200,308
Tennessee	10,600	10,600	21,200	21,200	21,200	21,200	21,200	21,200	21,200	21,200	21,200	21,200
Michigan	929,352	1,399,167	1,328,519	1,328,519	1,328,519	1,328,519	1,328,519	1,328,519	1,328,519	1,328,519	1,328,519	1,328,519
Florida												
Missouri												
Total	\$92,929,352	\$399,167	\$93,328,519	\$93,328,519	\$93,328,519	\$93,328,519	\$93,328,519	\$93,328,519	\$93,328,519	\$93,328,519	\$93,328,519	\$93,328,519

Of each State and Territory on the 1st day of October, 1839, and ending on the 30th day of September, 1840.

T. L. SMITH, Register.

SHOE STATISTICS. A Lynn shoemaker, writing in the Boston Atlas, gives some interesting facts, in relation to the number of shoes and boots imported from France. The quantity of boots fairly entered from France, last year, was 16,845 pairs, besides those from other countries, which is an increase of sixteen hundred per cent. in eight years; and the custom is daily becoming more common for gentlemen to send out their measure, and order directly from the manufacturer. Owing to this, Furr's boots are now as well known in New York and Boston as in Philadelphia.

Of ladies' shoes, the quantity imported last year was 73,432 pairs, which is an increase of more than four hundred per cent. in eight years. In this, we make no calculation for those brought into the country in other ways than through the custom house, which, as they are not bulky, is no doubt very large.

But, rapid as is the increase of importations from France, we have more to fear from Germany and other continental countries, under a reduced duty, than from France, as they can furnish the medium qualities, which are worn by the mass of our people, and at a reasonably low price.

How then, emphatically asks the writer, can we compete with the foreigner, when the duty is reduced to twenty per cent?

THE ARMY.

FLORIDA. From the *St. Augustine Herald*. *Bevity is the soil of wit.* We publish the following as the best bulletin from Florida which has appeared since the war commenced. It is an extract from a letter of capt. W. D. A. Wade, 3d artillery, to a brother officer in this city, which has been politely furnished to us. We copy it verbatim:

"I have no time to write a long letter—suffice it to say I am pleased with the RESULT, RECAPITULATION:

Killed, 6 warriors, 3 boys,	8
Prisoners, 14 warriors, 10 women,	39
10 boys, 15 girls,	25
	62

Destroyed, 20 caecoes.

Captured, 31 rifles.

Do. 19 powder horns, (well filled).

Do. any quantity of balls and backshot, and as for provisions more than you can tell. Pumpkins, cooties, beans, &c. No loss on my part. All returned well. The Indians were ready to fight, and very well prepared. Had 60 men of D and K companies, 3d artillery. Lieutenant J. Thomas and assistant surgeon Emerson accompanied."

To the politeness of officers of the garrison, we are indebted for the following particulars of captain Wade's admirable expedition:

About the 12th of the month, captain W. D. A. Wade, 3d artillery, commanding at Fort Lauderdale, (on the Atlantic coast, 30 miles north of Key Biscayne), caught an Indian fishing on the beach, who undertook to conduct him to a village. Setting out with 60 men, he came to the place, where he shot 8 and captured 20. One of the captured informed him that he had been a great friend to Sam Jones, but lately had quarrelled, and that he would guide to another village 30 miles distant. To this village they went, where they captured 25, without receiving a shot, although the Indians had 13 loaded rifles.

The friendly Indian now offered to bring in more, if captain Wade would permit him to go after them. Permission was given, and he returned with 4 men and 2 boys. As the party returned to the post, another Indian came up and surrendered himself.

Lieutenants Wyse, Rankin, Thomas and Cherchill had gone out with 70 men, guided by this friendly Indian; but not knowing where Sam Jones is, they expect but little success. Sam is supposed to be a few days march south of Lake Okechobee, with a few warriors, and on the return of this party, major Childs intends proceeding with boats into the everglades to hunt him out.

The scout from Fort Dallas, commanded by Capt. Burke, had not returned. They have been absent six or seven weeks.

Major Childs had gone down to Fort Landerdale, and was preparing for a general scout on the Okechobee Lake.

Lieut. Patrick has temporarily assumed charge of the settlement of the country. He is a very active and efficient officer.

4th artillery.—The following are the stations of the companies of this regiment, Lieut. Col. I. B. Craze, commanding; head quarters, Buffalo, N. Y.

B, F. H. I, Buffalo.

C, capt. P. H. Galt, Fort Niagara.

G, capt. J. Monroe, Fort Ontario.

A, D, E, K, Major Belton commanding, Madison barracks, Sacket's Harbor.

2d infantry.—The head quarters have been changed from Fort King to Plattska.

5th infantry.—Stations of the companies:

A, B, C, E, Detroit, Bvt. brig. gen. Brooke, commanding.

H, capt. E. K. Smith, Dearbornville.

D, F, Fort Gratiot, Lt. Col. Melatosh, commanding.

G, I, Fort Mackinac, capt. A. Johnston, commanding.

J, capt. M. E. Merrill, Fort Brady, Sault Ste. Marie.

K, Army & Navy Chron.

DEATHS. The *National Intelligencer* announces the death of his residing in Washington city, on Tuesday, November 30th, lieutenant colonel James H. Hook, assistant commissary general of subsistence U. S. Army. By this dispensation the army has lost an undeviating and sympathizing advocate, the poor and distressed an untiring friend, and one in whom the kniplier feelings of our nature centre in an eminent degree. Upon his immediate family connexion, and in a more especial degree his bereaved widow, will this blow fall with accumulated weight. May the balm of consolation be theirs!

At Indian Key, East Florida, on the 1st ult. FREDERICK DENN, United States marine corps, in the 22d year of his age.

THE NAVY.

THE COURT OF INQUIRY at New York of which Com. STEWART was president has adjourned.

A COURT MARTIAL, of which commodore Jones is the president, is to convene at the navy yard Philadelphia, for the trial of Captain Bolton, on charges connected with his recent return in the *Brandywine* frigate from the Mediterranean.

COMMODORE STEWART, now in command of the navy yard, Philadelphia, has received preparatory orders to hold himself in readiness to take command of the home squadron.

Commodore G. C. Read, succeeds Com. S. at the navy yard.

LIEUT. R. S. PINCKNEY ACQUITTED.—Official—navy department, Nov. 30, 1841. Sir: The court martial before which you were recently tried upon charges and specifications preferred by the department on the information of surgeon James M. Green, found you not guilty, and fully acquitted you.

The finding and judgement of the court are approved by the department, and you are hereby released from arrest, and will regard yourself as awaiting orders. I am, very respectfully, your obedient servant, A. W. FUSHER.

Lt. R. S. PINCKNEY, U. S. Navy, Washington.

From the *Army & Navy Chronicle*.

THE COURT MARTIAL at NORFOLK. All the cases except one having been acted upon, we are now enabled to announce the result.

Commander W. K. LATIMER was tried upon the following charges:

First—Oppression and cruelty; second—illegally inflicting punishment; found guilty of both charges, and sentenced to be reprimanded by the secretary of the navy, and to be suspended from rank and command in the navy for the term of three years from the 23d June, 1841. This sentence was approved on the 7th August, 1841, but has been remitted as to part of the period of suspension.

The case of lieut. F. B. ELLISON is still under consideration.

Lieutenant S. W. GONON was tried on a charge of "disobedience of orders, and neglect of duty" found guilty, and sentenced to be suspended for two years from the 24th July, 1841. The sentence was approved, Oct. 14, 1841; but upon a careful reconsideration of the case, the judgment of approval was reversed, and the sentence disapproved, Oct. 27, 1841.

Lieutenant B. MORE DUVE was tried upon the following charges:

First—sleeping upon his watch, and negligently performing his duty; second—disobedience of orders, and contempt and disrespect to superior officers; found guilty of both charges, and sentenced to be dismissed from the navy. The sentence was approved by the president of the United States on the 20th Oct. 1841; but in consideration of the circumstances of extenuation which exist in the case, and trusting that the severe example presented in the sentence of the court is not necessary to produce a due effect upon the accused and upon the service generally, Lieut. Duve was restored to his former rank on the 14th Nov. 1841.

Surgeon L. B. HUNTER was tried upon the following charges:

First—Disobedience of orders; second—Using provoking words, gestures, or menaces; third—treating

with contempt his superior, being in the execution of his office; fourth—scandalous conduct; fifth—negligence in the performance of his duty; sixth—disobeying 2d article of rules, &c. "For the naval service, under the head of 'officers in general' seventh—disobeying the 'regulations relative to naval surgeons and their assistants' he was found guilty of part of the 2nd, of the 3d and 6th charges; and not guilty of the 1st, 4th, 5th and 7th charges; and sentenced to be suspended upon half pay for the term of five years from the 13th July, 1841. Sentence disapproved, Oct. 29, 1841.

Purser H. BRIDGE was tried upon the following charges:

First—Disobedience of orders; second—conduct unbecoming an officer and a gentleman; third—neglect of duty; fourth—disrespect to his superior officer; found guilty of the 1st and 2nd, and not guilty of the 3d and 4th; and sentenced to be publicly reprimanded in general orders, to be read on board every ship in commission, and at every naval station. Sentence disapproved, Nov. 1, 1841.

NAVAL MEDICAL BOARD. A board of naval surgeons assembled at Philadelphia, on the 23d ultimo, for the examination of assistant surgeons for promotion, and of candidates for admission into the navy. The board consists of surgeon W. P. C. Barton, president. Surgeons T. Williamson, T. Dillard, W. S. W. Ruschenberger, and J. F. Brooke, members.

A large and respectable meeting of the citizens of Charlestown, Massachusetts, on the 23d ult. passed several resolutions in relation to their navy yard, among which was one soliciting the secretary of the navy to cause the ship *Vermont*, or the frigate *Comberland*, to be finished and launched the coming winter, and fitted for the service; or in case it should be judged inexpedient to finish either of said ships, that he would cause a steam frigate to be built this winter at their yard, as the frame for such a vessel is already provided at the station.

STATES OF THE UNION.

GOVERNORS OF THE STATES. The following is a complete list of the governors of the several states and territories, including the results of the recent elections. Just half of the governors of states are whigs. Their names are in italics.

States.	Governors.
Maine,	John Fairfield.
New Hampshire,	John Page.
Vermont,	Charles Paine.
Massachusetts,	John Davis.
Rhode Island,	Samuel W. King.
Connecticut,	Wm. N. Ellsworth.
New York,	H. M. Seaward.
New Jersey,	Wm. Pennington.
Pennsylvania,	David R. Porter.
Delaware,	Wm. E. Cooper.
Maryland,	Francis Pickens.
Virginia,	John Rutherford, Acting.
North Carolina,	John P. Morehead.
South Carolina,	John P. Richardson.
Georgia,	Charles J. McDonald.
Alabama,	Benj. Fitzpatrick.
Mississippi,	T. A. Tucker.
Louisiana,	J. E. Roman.
Arkansas,	Archibald Yell.
Tennessee,	James C. Jones.
Kentucky,	Robert B. Letcher.
Ohio,	Thomas Corwin.
Michigan,	John S. Barry.
Indiana,	Samuel Dickey.
Illinois,	Thomas Carlin.
Missouri,	Thomas Reynolds.
Florida Territory,	Richard K. Call.
Wisconsin do,	Henry Dodge.
Iowa do,	Angustus C. Dodge.

RHODE ISLAND.

THE CONVENTION which assembled for the purpose of framing a constitution for the state the third that has assembled for that purpose within a few years past, after agreeing upon some of the provisions of such an instrument, has adjourned to re-assemble in February next. It will be time enough to insert their project when it is completed. The authority of the convention in the premises is disputed, the existing government having in no way authorised or recognised its assembling.

NEW YORK.

ASSEMBLY. In the list of members of assembly, which was inserted page 165, not having then received the returns from Rockland county, the name of Eow'n D. NOVELLES, elected, was not included.

ELECTION STATISTICS FOR 1840 AND 1841.—From the official returns. Complete returns of the votes for senators, in the several districts, at the late election, compared with the vote for presidential election in 1840.

First senate district.

1841.

1840.

Counties.	V. B.	Whig.	Jb.	V. B.	Harr.	Jb.
New York	16,303	17,128	185	21,935	30,958	179
Kings	2,523	2,163	48	3,156	3,298	16
Richmond	816	167	—	861	903	—

Total 19,642 19,685 173 25,952 35,159 205

Van Buren majority 4. V. Buren maj. 793.

Second senate district.

Counties.	V. B.	Whig.	Jb.	V. B.	Harr.	Jb.
Dutchess	4,936	4,238	4	5,362	5,135	3
Orange	4,124	2,489	10	4,845	4,371	13
Ulster	4,031	3,598	3	4,280	4,491	2
Rockland	1,510	1,196	5	1,678	1,475	9
Sullivan	790	201	—	1,657	637	—
Putnam	1,033	354	—	1,553	930	—
Westchester	2,916	2,135	—	4,384	4,083	8
Suffolk	1,902	901	2	2,482	2,415	1
Queens	2,134	1,722	—	2,550	2,532	2

Total 23,376 17,194 24 29,792 36,369 38

Van Buren maj. 6,182. V. B. maj. 3,523.

Third senate district.

Counties.	V. B.	Whig.	Jb.	V. B.	Harr.	Jb.
Albany	6,945	5,474	71	5,944	6,372	45
Rensselaer	5,893	5,132	68	5,474	5,752	32
Schenectady	1,586	1,536	2	1,592	1,752	5
Greene	3,063	2,388	—	3,558	2,901	7
Delaware	3,201	1,867	32	3,849	2,988	13
Schoharie	2,794	1,991	38	3,345	2,895	11
Columbia	4,104	3,619	5	4,478	4,287	6

Total 26,367 22,007 216 27,877 27,037 119

Van Buren maj. 4,360. V. B. maj. 27.

Fourth senate district.

Counties.	V. B.	Whig.	Jb.	V. B.	Harr.	Jb.
Herkimer	3,752	2,311	187	4,350	3,118	70
Montgomery	2,268	2,248	30	3,298	2,858	9
Saratoga & Ham.	1,814	1,736	121	1,867	2,087	24
Fulton	2,805	3,560	25	3,873	4,416	20
Clinton	1,686	1,666	41	1,839	2,023	31
Essex	1,623	2,063	3	2,789	2,627	31
Franklin	1,082	1,184	34	1,110	1,440	6
St. Lawrence	4,527	3,565	95	4,751	4,803	3
Washington	2,913	4,021	143	3,024	5,041	33
Warren	1,471	832	42	1,411	1,306	5

Total 25,721 23,506 721 27,301 29,700 198

Van Buren maj. 2,415. Whig maj. 2,408.

Fifth senate district.

Counties.	V. B.	Whig.	Jb.	V. B.	Harr.	Jb.
Oneida	6,436	4,832	749	7,768	7,156	351
Oswego	3,758	3,377	283	3,907	4,192	151
Jefferson	5,212	4,738	205	5,930	6,257	59
Lewis	1,857	1,414	65	2,179	1,718	37
Otsego	4,755	3,158	155	5,580	5,858	31
Madison	3,875	3,398	430	4,114	4,266	254

Total 25,738 20,934 1,867 28,754 28,445 809

Van Buren maj. 4,804. V. B. maj. 309.

Sixth senate district.

Counties.	V. B.	Whig.	Jb.	V. B.	Harr.	Jb.
Chemung	3,957	3,813	57	3,995	4,386	25
Warren	2,089	1,747	17	2,296	1,638	8
Livingston	2,296	2,228	109	2,634	3,916	52
Steuben	4,191	3,014	60	4,380	4,051	10
Broome	1,960	1,995	45	2,131	2,925	51
Tioga	2,020	1,551	4	2,190	1,235	5
Tompkins	3,405	3,381	70	3,557	3,962	32
Albany	1,672	1,410	179	3,382	4,139	31
Cattaraugus	3,384	3,249	174	3,475	3,966	61

Total 25,450 23,788 718 27,470 29,468 249

Van Buren maj. 1,662. Whig maj. 1,998.

Seventh senate district.

Counties.	V. B.	Whig.	Jb.	V. B.	Harr.	Jb.
Onondaga	6,567	5,797	261	6,561	6,557	105
Seneca	2,413	1,987	49	2,472	2,466	10
Hamilton	3,517	3,626	112	3,997	4,309	76
Yates	1,857	1,414	65	2,179	1,718	37
Cayuga	4,808	4,515	166	4,863	5,172	73
Ontario	3,276	3,857	265	3,451	4,838	152
Cortland	2,151	2,232	161	2,229	2,464	44

Total 25,019 23,628 1,088 25,660 28,058 464

Van Buren maj. 1,391. Whig maj. 2,408.

Eighth senate district.

Counties.	V. B.	Whig.	Jb.	V. B.	Harr.	Jb.
Monroe	4,433	4,966	237	4,853	6,468	61
Chautauque	2,673	4,035	267	3,543	5,985	20
Erie	2,861	3,803	317	3,688	6,787	48
Niagara	1,753	2,421	155	2,249	2,963	72
Orleans	2,045	1,698	124	2,231	2,606	77
Genesee	1,706	2,439	344	2,231	2,606	77
Wyoming	1,451	1,847	332	1,809	7,056	170

Total 16,762 20,906 1,135 19,927 31,865 481

Whig maj. 4,144. Whig maj. 11,938.

*Including 423 votes for Edward Varney.

RECAPITULATION.

1841.

1840.

District.	V. B.	Whig.	Jb.	V. B.	Harr.	Jb.
First	19,642	19,685	173	25,952	35,159	205
Second	23,377	17,194	24	29,792	26,369	38
Third	26,367	22,007	216	27,877	27,037	119
Fourth	25,721	23,506	661	30,121	30,769	198
Fifth	25,738	20,934	1,867	28,754	25,445	809
Sixth	25,450	23,788	718	27,470	29,468	249
Seventh	25,019	23,628	1,088	25,660	28,058	464
Eighth	16,762	20,906	1,135	19,927	31,865	481

Total 187,976 171,401 5,882 212,733 226,039 2,533

Van Buren majority 1841, 16,575. Whig majority in 1840, 13,297. Whig falling off, 56,619. Van Buren ditto, 24,757. Aggregate vote in 1841, 364,639. Aggregate in 1840, 441,286. Less vote this year, 76,627.

It will be seen that the comparison is made with the vote for Gen. Harrison last year, which was far above that of the other whig tickets.

GENESEE VALLEY CANAL. Extensive preparations were made at Danville on the 23d, to celebrate the letting in of the water into that portion of the canal between Mount Morris and Danville. The whole navigable distance is now about 50 miles.

ERIE CANAL. The Syracuse Journal says some ten or twelve sections of the enlarged canal, between Utica and Rome, were let by the commissioners last week. Four or five hundred persons, it is stated, were present, and desirous of obtaining work.

LOW WATER IN THE CANAL. The water in the canal this forenoon was low, the water has been at any time since the completion of the work. It was measured this morning in the deepest part, just on the southeast side of Commercial street bridge, and was found to be only 15 inches in depth. Of course the passage of boats is impossible. Near by some thirty men, under the direction of Superintendent Baker, are at work deepening a portion of the canal bed. They labor as much at their ease, so far as water is concerned, as men employed in ordinary ditching or draining. [Buffalo Commercial.]

PENNSYLVANIA.

CANALS AND RAIL ROADS. Mr. John Dougherty, in a communication dated Hollidaysburg, Nov. 30, addressed to the legislature of the state recommends a variety of reforms in the management of the canals and rail roads of that state. He recommends that the repairs on all these state works should be made by contract—the contracts to be made in short sections, and with men who will themselves do the work, and not to contractors who will undercut. He recommends that the locomotives on the Columbia rail road should be leased to individuals, one engine to a man, the lessee to run them on their own account, and also owners of locomotives be authorized to run them on their own account. This system we presume would introduce a salutary competition in speed, though it would hardly tend to promote the safety of passengers. He is of opinion that on this system the cost of motive power, which at present amounts to \$1 30 per ton from Philadelphia, would be reduced to a great extent. He recommends that all tolls should be charged on the merchandise, instead of being charged on the ear, and that it should not exceed \$3 per ton of 2,000 lbs. for hardware, \$2 for groceries, \$1 50 for flour and wheat, and \$1 for coal and plaster, and that the motive power should not exceed 50 cents. He recommends an increase in the lease of state works to admit of the use of larger boats. By means of these and other reforms he maintains that the Pennsylvania route of communication between the Atlantic and the valley of the Ohio may compete successfully with the New York canal and the Baltimore and Ohio rail road, and that the Pennsylvania public works may be made productive of revenue to the state.

VIRGINIA.

SOUTH WESTERN ROAD. The Lynchburg Virginian, of November 15, contains the following memorial presented in pursuance to a resolution of the Christianburg convention, in relation to this subject.

To the general assembly of the commonwealth of Virginia.

The memorial of the subscribers, citizens of — respectfully represents:

That your memorialists desire to direct the attention of the general assembly to a subject which they feel to be of the greatest importance to them, and to the state. They do not forget, that on more than one occasion, and in various shapes, the construction of a road, having for its object the connection of the southwestern counties of the state with James river, and some of the principal markets of Virginia, has been brought before your body. But they are also painfully sensi-

ble, that nothing has yet been effected. Deeply impressed with the importance of such a work to the interests, not only of the southwest, but of a large portion of the eastern part of the state, they again respectfully, and most urgently, bring that subject before you, and ask the construction of a good McAdams road from the Tennessee line near Abingdon, to the point where the James river, and that the work be executed wholly by the state, and be commenced forthwith.

Your memorialists deem it unnecessary, at this day, to urge at length the various arguments and motives, in behalf of this important measure, which arise on every side, and crowd themselves upon the mind. Yet they cannot forbear to suggest to the general assembly some of the most important facts and considerations which tend to the adoption of the project.

It is the southwest that asks this boon—a section of country more rich than any other part of the state in its resources of every kind, and in the extent of these resources are, they are rendered of but little comparative value by the destitution of commercial facilities. Remote from the markets of the country, and denied by nature those easy and cheap channels of intercourse which elsewhere exist, the products of a soil teeming with fertility, if cultivated beyond the limit of consumption, are lost to the state, and our unequalled mineral wealth be confined in its circulation, and in its use, to the extent of a difficult and expensive land transportation.

The soil of the southwestern counties is notoriously rich, and possessing a climate favorable to the growth of a harvest every article which can be cultivated in the state, the only limit to its production is the want of markets; and notwithstanding the distance of those points which we seek the aid of the general assembly to reach, many of those products might be profitably cultivated, even in that remote quarter.

There is, perhaps, no part of the United States which comprises, within a small compass, so much mineral wealth, as a few of the southwestern counties.

The counties of Wythe, Smyth, Washington and an extensive adjoining district, of the state of Tennessee, abound in the richest quality of anthracite coal, equal to any elsewhere. Numerous manufacturing of this metal exist, which produce a quantity sufficient for the supply of the country around, and furnish to the distant southwestern states a small amount by the precarious means of the winter freshets.

The salt of Washington and Smyth counties, is equal to any in the world. The water from which it is made is saturated with that mineral; and recent search has ascertained the fact, that it flows from a thick deposit of rock salt. Upwards of 100,000 bushels are annually made, a portion of which is sent off on the winter floods to East Tennessee.

The lead mines, in the county of Wythe, are capable of supplying the demand of the country to almost any extent; and though the manufacture of it now languishes on account of the low price in market, and the high price of transportation, upwards of 400 tons are annually made.

But the most valuable of the minerals of that region is the gypsum, which is found in Washington and Smyth counties. Extending over a tract of country not less than 12 miles in length, and existing in beds of immense thickness, it may be said to be inexhaustible. This mineral is the more valuable, from its great purity—its quality being far superior to that brought from abroad.

All these resources exist in such abundance, that any quantity can be produced which the market might require.

Your memorialists need not enlarge upon the benefit that must result from affording to all these interests some facility for the conveyance of such abundant agricultural and mineral products to market. To develop to their full extent such resources—to impart activity and energy to an extensive and rich section of the state—to give wealth and commercial prosperity to a hitherto neglected part of our common country—are surely objects, the attainment of which may be justly deemed the duty of our government.

But the benefits which must result from the contemplated improvement, would not be confined to the southwest. We seek, through this measure, to enlarge a commerce now small, with the eastern part of Virginia. The principal towns upon James river, together with the country around them, cannot fail to reap a harvest from it, rich in proportion to the degree of facility afforded. The proposed work cannot fail, in our view to have a further tendency in the highest degree desirable. The merchandise for the consumption of the southwest, including a large part of east Tennessee, is purchased generally in the cities north of Virginia. The construction of the

proposed road, together with the James River canal, would make that the line not only of transport, but of travel, for those merchants; and we look with confidence to the result, that, before long, that purchasing trade would stop in the principal towns of our own state, the merchants of which will not permit a commerce so very near to them by them to more distant points beyond our border.

To the James river improvement, which is regarded as the great work of the state, its effect must be particularly advantageous. Terminating at a point high up on that river the stimulus thus afforded to southern commerce, would pour into the state a greatly increased quantity of foreign goods. Indeed, your memorialists look upon the projected road as the most valuable auxiliary that can be devised to that work, and to be so essential to a full development of its great utility, that it should rather be regarded as a necessary part of that magnificent undertaking.

Nor is this subject to be regarded with a view to the commerce of southwestern Virginia only. The broad and rich valley of the Holston extends into east Tennessee, where its character for fertility and productiveness is maintained, and the same facilities which will stimulate, and throw into eastern Virginia, the trade of the southwestern counties, will draw along the same channel, and to the same points, the commerce of an extensive and rich portion of the state of Tennessee.

The proposed road becomes of greater importance, when it is recollected, that the state of Tennessee is prosecuting the improvement of her own territory by a vigor which promises the best results. A rail road, extending from Charleston, in South Carolina, by Augusta, into Georgia, is now under construction to the border of Tennessee; and that state is actively prosecuting the continuation of the road within her own territory to the town of Knoxville. There is moreover, strong reason to give to that enterprise, which will extend from the Virginia line, whatever work may be constructed to that point on our part, at least to Knoxville—perhaps to Nashville; a large fund is now in her hands, which there is strong reason to believe will be applied to this object. The completion of these plans will form a long and highly important line of communication between the eastern, western and east of Abingdon, and the states south and west of that point; constituting one of the most valuable and useful channels, both of commerce and travel, in the United States. The general assembly cannot fail to perceive the danger, that the valuable agricultural trade of the southwest may seek a southern outlet, and be wholly diverted from our own state, unless the connection with James river, which we ask, shall be made, and made at once.

The foregoing facts appear to your memorialists to shew satisfactorily, that the stock of the proposed road must be profitable, and that it will form a valuable exception to most of the projects of that kind, in which the state has hitherto engaged. No accurate estimate can be made of the amount of transportation along the route annually at present; but enough is known to justify the assertion, that not less than 50,000 tons is now transported on it, even under the present most unfavorable circumstances. Under the influence given to the industry and energy of the country by the projected work, the increase of transportation must be great; and when to that is added the tolls derived from travel, no doubt can exist as to the profit of the work to the state.

The practicability of the easy and cheap construction of such a road is not now a matter of any doubt. Its general direction would conform to that of our mountains, and along its whole length but one ridge of any magnitude is to be encountered, which can be surmounted at any grade that may be desired. The materials best adapted to that kind of road abound everywhere; and labor and other necessities for such work can be procured in great quantities, cheaper than in any other part of the country. More than one side of the southwestern part of the Valley has been made by the engineers of the state, whose reports are in the possession of the general assembly, and with the information which they afford, as well as the personal observation, the principal engineer of the state estimates the cost of the project at \$3,000 per mile, which taking the distance to be 190 miles, would amount to \$570,000. Cheaply, indeed, would all its advantages be purchased at a price so far below their value.

Your memorialists refer the general assembly to the proceedings of the convention of delegates from a number of the southwestern counties upon this subject, held at Christiansburg, on the 25th day of October, 1841, a copy of which is ordered to be laid before you herewith. It will be seen that this memorial is submitted to you in obedience to, and in conformity with, the resolutions of that numerous and talented assembly.

We appeal, then, to the general assembly, to bestow this rich and long deferred boon upon a part of the state hitherto but little obtrusive as to its claims upon their attention and patronage. We ask of justice to extend to that quarter of our commonwealth those facilities of intercourse, which we have heretofore cheerfully seen it bestow, with a liberal hand, upon the more fertile and populous regions. And we need the adoption, and immediate prosecution, of the project the more strongly, because in our view it cannot fail to prove profitable to the state as a mere source of income, at the same time that the interests of both the west and east will be greatly promoted, and distant parts of the commonwealth be brought nearer to each other, bound more closely to each other, by increased intercourse and mutual interest.

And your memorialists will ever pray, &c.

UNIVERSITY. *Professor Seabster.* We are happy to announce the arrival of this gentleman—the newly appointed professor of mathematics at the University of Virginia—an event which was distinguished on the part of the students by a brilliant illumination.

The number of students has swelled to about 175, which is a full average of previous sessions at this period, and affords a favorable augury of the continued prosperity and usefulness of the institution.

[*Charlestowne Jhr.*]

CONSTITUTION. A movement is making among the people of the western part of Virginia, to procure an alteration in the constitution, so as to apportion representation on the basis of a white population. Several public meetings have been held, and the papers are discussing the subject with great earnestness. The late census showing a majority of white population west of the Blue Ridge, the people of that section say they feel a deep injustice in not having a controlling voice in the councils of the state.

To effect the object, some propose a convention, while others are disposed first to make a trial in the assembly. The existing constitution provides for a re-apportionment with the consent of two-thirds of each house of the general assembly.

RESUMPTION IN VIRGINIA. "Our intelligent correspondent proposes the 1st of September, as the period of resumption. The Lynchburg Virginian proposes the 1st of October. We are not prepared to prefer either, but the 1st of August, or even an earlier day, if practicable. The sooner, certainly, the better.—But we must have an eye to the state of the exchange between Virginia and the north; and by one of the days specified, it is presumed the next harvest of wheat, and the present crop of corn, may be brought to market and come into requisition, and furnish available funds for the resumption of payments and the solid support of our bank credit. It is better to wait a short time, to allow these institutions the means of maintaining their specie payments when they commence, rather than precipitate a resumption and then be compelled to close the vaults again."

[*Richmond Eng.*]

POPULAR EDUCATION. There appears to be a general movement on this subject in many parts of the state. The citizens of Richmond and Henrico met Nov. 15, Gen. Lambert, the mayor, presided, and Thos. Ritchie was appointed secretary. A deputation of 10 deputies from the city, and of 10 from the county was appointed to represent them in the state education convention to be held at Richmond on the 9th of December.

SOUTH CAROLINA.

THE GOVERNOR'S MESSAGE, will be found in this number of the Register.

THE LEGISLATURE. The Columbia correspondent of the Charleston Mercury writes on the 24th Nov. that the business of the session began already to assume an interesting character, and as there is full four weeks to Christmas, a good deal of important matter will be introduced and disposed of. The distribution bill will be repudiated with promptitude and unanimity, to the lasting honor of the members of both houses, and a vote very decidedly on the point, and will make strong reports at an early day. Judge Huger has, with his characteristic decision and high-mindedness led off in the senate, and all the prominent men are of one mind, as well as all of the legislature.

"The governor's message," which has given the state a cordial satisfaction, was to-day dissected, and its several parts turned over to the proper committees, on motion of Mr. Phillips. The committee on federal relations will have their hands full, you may depend, but not more than the broad back of the able chairman, Col. Hunt, can give to the subject, and we shall soon see some of the results of his clear, vigorous, laborious head.

"Mr. A. Rhett gave notice of the introduction of a bill relating to the pending controversy between New York and the Old Dominion, about reclaiming fugitive slaves. It is understood to be a simple transcript, with a few alterations, of what is called the Virginia inspection law, and, I presume, will be unanimously passed. How can the state do otherwise, if she sets a particle of value on her safety, and the pledge she gave to her sister states of the south, when the matter of Maine and Georgia came up two sessions ago."

GEORGIA.

SENATOR BERRIEN.—INTRODUCTIONS. A majority of the committee in the Georgia legislature on the state of the republic have made a report instructing Judge Berrien to resign his seat in the senate of the United States. The report protests against the distribution bill and the bank bills. The minority were to make a counter report.

ALABAMA.

THE LEGISLATURE adjourned after a nine day's session. Among the acts was one for a special election of members of congress in not less than twenty days from the date of the governor's proclamation; and another sanctioning the suspension of specie payments in the state. Resolutions expressing the opinion that New York is wrong in the Virginia controversy, and pledging Alabama to Virginia; others, in relation to the death of Hon. Dixon H. Lewis. Members to wear crape for thirty days, and the governor to convey to the widow of the deceased the sincere condolence of the state of Alabama.

"The joint preamble and resolutions (says the Tuscaloosa Flag of the 17th inst.) introduced in the Senate of the State of Alabama, by Mr. V. C. McJannet of Jefferson, against the reception of the portion of the proceeds of the sales of the public lands that may fall to the share of this state in the grand scheme of bribery, devised by Mr. Clay, had their second reading in that body on Monday, and were referred to the committee on federal relations. We do not know what will be the complexion of the report the committee will make on them."

MISSISSIPPI.

THE STATE BONDS. The hon. John Henderson, late U. S. senator of the state, has addressed a long letter to his constituents, from which we extract the following in regard to the policy of the state on the subject of the state bonds:

"Mississippi now surpasses four of her sister states of the old thirteen, and three of the new states, in representative population. We grow the largest agricultural export of any state in the union, and the largest for its population, of any state in the world—besides growing as much corn for home consumption as all the New England states together. If, therefore, we had all our bonds to pay without assistance from the banks that owe them, and this payment was assessed equally upon a full cotton crop of a single year, it would only diminish the year's product as left for enjoyment of our citizens to an ordinary short crop. I, of course, will be understood in this proposition as using it only to expose the exaggerated fallacies of those who would cheat our citizens out of their good savings, and who would fail by alarming their apprehensions with the imagined burdens of taxation and ruinous consequences they must encounter to support the honor and integrity of the state. No one supposes our debt is to be paid in a single year. The contract does not authorize it, and no financial principle would justify or require it. But it is clear, if our citizens could survive one short crop without ruin, they could, if necessitated, pay this whole debt in a single year from the proceeds of a full crop, with no greater distress than a failure of less than half of a single export crop would cost them. As a question of policy then, how mistaken and mischievous is that which proposes to require the payment of our state bonds in full. All will agree our debt is a large one, and requires good economy to pay it without some inconvenience. All will concur in condemning the causes which devolved this debt upon us. But to justify or excuse the principle of repudiation, we exaggerate the debt—we exaggerate the responsibility—we exaggerate the ruin it will bring to ourselves—the worse reputation abroad, in exaggerating the moral delinquencies of our citizens and public functionaries, in contracting the debt and wasting the proceeds. Every matter of apprehension, of obloquy, or censure is exaggerated for the purpose of nerveing the passions with a view to the utterance of some measure requisite to adopting the desperate and fatal policy of dishonoring the bonds and plighted faith of the state."

In this state of things, the several communities abroad and around us are watching this singular contest with astonishment, derision, pity or reproach.—Its tendency is to check emigration to the state, and promote that of our citizens from the state. It diminishes the price of our real property and its citizens; and none of us, in the estimate of strangers, can or do escape a portion of the moral blight which this question inflicted upon us. I doubt much if this who for months past have been engaged in this strife, excited by party violence and prejudiced by their pecuniary interest which this question involves, apprehend its consequences and perceive its bearings with unbiased judgment. Most of you, my fellow citizens, are emigrants from the state of Virginia, North and South Carolina, Georgia, Kentucky and Tennessee.

Your former friends and acquaintances in those states can have no interest in this agitating subject, aside from your honor and prosperity. Have you deemed it of sufficient importance to ascertain how these impartial judges regard the question? You cannot be indifferent to their good opinion nor to the honor of the state of your adoption. A few, as for months past, I have heard much more of this subject without than within the state, I will pledge you my best judgment and information that not one in twenty of the citizens of those states, who have noticed the subject, but condemns the anti-bond policy urged for its abolition. I do not say this in abatement, even if temporarily successful, will justify us in the judgment of our peers. The moral sense of communities and of mankind will condemn us.

Suppose then, you who urge the measure, achieve that disastrous majority against the payment of these bonds what then? How long can the position be sustained? Suppose you are forced to pay for the next five years—beside the dishonesty, which a position does not efface, I verily believe as a question of dollars and cents, the state would lose more in consequence of its position in that time than would be sufficient to pay the debt. And what finally, after all these years of disapprobation the banks are unable to pay these bonds they are to render for and unpaid? Trust no such chicanery. No. After we shall have run the round of disloyalty and humility, and greatly diminished or retarded the resources of our state, either from coercion or a constrained choice, we shall at last pay the bonds. Honestly, therefore is still the better policy, and the more honorable merely, but in this instance a great deal of honor may be lost, and the credit and resources of the state by a vote of repudiation, each dollar we shall afterwards pay will have cost us two. Every incentive, then, save the temporary success of a party, urges us to the public recognition of our state bonds—the prompt payment of the interest thereby due, and a renewed pledge to maintain our public faith untarnished for the future."

Governor McNutt's letter to the bankers, Hope & Co. of Europe, in reply to their enquiries, will be found on page 388 of the last vol. (60) of the Register—and furnishes the opposite view on the subject of those bonds. The letter is now extensively copied into the public journals of the day without reference to its authority.

OHIO.

PROPOSED WHIG CONVENTION. A suggestion is thrown out by the standard at McConnellsville, seconded by the Times, at Cambridge, for holding a whig state convention sometime next spring at Zanesville, for the nomination of a whig candidate for governor. [*Zanesville Republican.*]

The Scioto Gazette in allusion to the subject says: "The proposition to hold a state convention takes a like wild-fire. The good whigs of Ohio are chafing for another contest with their opponents, in which only one end is attained to come off victorious. The time and the place for the meeting of the convention, are now only to be determined. We are to the anniversary of Washington's birth day, as the time; and Columbus as the place. Our experience in conventions proves to us that it is no favor to the people of any town to have a great gathering in it. But the people of Ohio have a great gathering in it for it was their money to a great degree that Columbus, that city what she is. Therefore, though the good folks of Zanesville may be anxious to display their well known hospitality, it is too much to ask of it. Let the Buckeye whigs meet at their own state meeting, when central, and easy of access from all parts of the state."

PROPOSED VAN BUREN CONVENTION. The Van Buren central committee have published a circular addressed to the party, calling a convention at Columbus on the 8th of January next, "to nominate a candidate for governor, and form such a state organiza-

tion as will secure the most efficient action of the democratic party."

On this topic the Steubenville Gazette says—"The Van Buren party have not yet fixed either upon time or place for their convention. If our present excellent governor, Corwin, will consent to be again a candidate for that office, we may not perceive the necessity for a convention. Not a true democrat in the state will refuse to yield him his support, and we trust he will not decline a re-election. It would give the senior editor of this paper great pleasure, to have, again, the opportunity of calling to "order" the organizing members of the party, and to perceive the fixed stout hearted democrats. If a democratic convention must be held, we rather think that Columbus is the most suitable place. But we are willing to leave the whole matter to the democratic central committee."

ELECTION STATISTICS. The Ohio State Journal, says: "We are indebted to a friend for the following compilation of the total vote given at the late election in this state for members of the legislature. In Stark and Butler counties, the whigs made no regular opposition. In Summit, the election turned upon the county seat question. The vote of Athens could not be obtained. In these four counties, last year's vote is given, except Athens, where Corwin's majority is given. This calculation is made from the highest vote given to each party."

	Whig.	F. B.		Whig.	F. B.
Adams	893	1,100	Licking	2,326	2,799
Allen	508	740	Logan	1,184	745
Ashtabula	2,286	759	Lorain	1,469	1,362
Athens	607	Lucas	618	397	
Belmont	2,559	2,574	Madison	905	682
Brown	1,453	1,689	Marion	930	919
Butler	2,083	3,245	Medina	1,378	1,157
Carroll	1,516	1,505	Meigs	757	580
Champaign	1,635	1,103	Mercer	368	514
Clerk	1,503	703	Miami	1,818	1,107
Clermont	1,835	2,221	Monroe	547	1,073
Clinton	1,633	911	Montgomery	2,663	2,536
Columbiana	2,479	3,288	Morgan	1,639	1,229
Coshocton	1,142	1,557	Muskingum	2,341	1,484
Crawford	492	773	Outawa	130	141
Cuyahoga	2,123	1,324	Paulding	38	104
Darke	1,404	1,776	Peru	373	1,673
Delaware	1,857	1,674	Pickaway	1,767	1,610
Eric	858	769	Pike	539	525
Fairfield	1,370	2,484	Portage	2,186	1,780
Fayette	889	731	Preble	1,554	1,222
Franklin	2,326	1,705	Putnam	309	447
Geauga	958	629	Richland	2,280	3,092
Greene	896	896	Rock	2,392	1,958
Guernsey	1,476	628	Sandusky	773	668
Hamilton	2,132	2,060	Scioto	866	557
Hancock	4,936	5,426	Seneca	850	1,144
Hardin	367	739	Shelby	748	789
Harrison	351	319	Stark	2,650	3,177
Hocking	1,104	1,231	Summit	2,451	1,728
Henry	117	120	Trumbull	1,451	1,425
Highland	1,724	1,668	Tuscarawas	1,789	1,425
Hocking	332	728	Union	656	504
Holmes	494	1,332	Van Wert	100	143
Huron	1,717	1,416	Warren	1,768	1,220
Jackson	594	772	Washington	1,915	1,326
Jefferson	2,046	2,144	Wayne	1,306	1,080
Knox	1,787	2,058	Williams	298	379
Lake	1,164	564	Wood	335	377
Lawrence	479	456			
Total whig vote			106,573		
Total Van Buren vote			104,533		
Whig majority			2,040		

COMMON SCHOOLS OF CINCINNATI. We are indebted to the kindness of E. P. Langdon, esq. for a copy of the report of the trustees of the common schools rendered by the board of trustees and visitors including the report of the board of examiners and inspectors from which we derive the following extracts:

Government and instruction. The schools are so arranged as to form four general grades under each principal teacher. The pupils of the first, or higher grade taught by the principal; the second by the 1st assistants; the third by the 2d assistants; and the fourth by the 3d assistant teachers. When attention is paid to having the schools properly graded, it is found that one teacher can teach a much larger number of scholars, without an increase of labor, than could be taught by him, were no such grades made.

It has been the unceasing effort of the trustees to make the course of instruction uniform in all the schools, and to infuse into the minds of the pupils the necessity of being strictly moral in their conduct, to be chaste and pure language, and to be polite and kind to all with whom they associate.

The lamented Judge Buch, in the fifth volume of the Cultivator, has said, "CHILDREN BELONG TO THE

REPUBLIC." Thus taught the Spartans and thus we should teach. As the twig is bent so will the tree incline. If we sow tares we cannot expect to reap wheat. Children are the materials, the wood, brick and mortar, if we may so express ourselves, which are to compose our temple of freedom, and if the materials are bad or unsound, dilapidation will ensue and the temple will never develop upon the ground. If children are brought up in idleness, they are too often useless to themselves and become a tax upon society. If they are not taught to do good they will learn to do evil. If they are brought up in ignorance, they are, in a manner unfitted to the duties of the high civil and social life of our men. If the mental soil is not cultivated, weeds and brambles, and thorns will spring up spontaneously, to the great annoyance of the community. As every man's vote weighs alike in the political scale, it were well for all that every man had enough of good sense and independence, to cast his vote honestly. And the best way to instill this is to lay a good foundation of usefulness in youth—to teach the habits to work and the mind to think."

School revenue. The revenue is mainly derived from a general tax upon the property of the city—namely, the mill tax for building purposes, and one mill on the dollar for tuition—making two mills on the dollar levied by the city for school purposes, over and above the state tax. The state has heretofore levied a tax of two mills on the dollar for the support of schools. The law left it discretionary with the commissioners of each county in the state, to reduce the school tax for that state in their respective counties, to any sum not less than one mill to the dollar. And without any call for the exercise of this power from the people, the commissioners of Hamilton county have taken off one mill on the dollar; thereby doing to the common schools of the county all the injury that the state in this respect has inflicted them to do. It has taken one-half of the support from the schools in the county, and one-third from our city schools, so far as the fund raised by taxes is concerned.

The provision in the law no doubt was a wise one, and intended to benefit the counties otherwise extremely provided for, or those in which the inhabitants were so thinly settled, as to render a postponement of a full organization of the school system within their boundaries advisable. But that the old, populous, wealthy, enterprising, patriotic and benevolent county of Hamilton should be disgraced by such a threat to the interests of its school system and spirit, was never contemplated by the framers of that law.

That the representatives from Hamilton county never contemplated a reduction in the school tax here, is evident from the fact that they imposed additional duties upon the trustees, which are attended with a large increase in the school expenditures—such as the establishment of German English schools, and evening schools for apprentices, &c. Instead of pulling down this noble system, the commissioners should have been among the first to sustain and build it up.

The tax should be reinstated, and the power to reduce it, taken from the commissioners.

In addition to the above named funds the state appropriates two hundred thousand dollars for the support of schools—which sum is distributed to the different counties, and school districts of the state in proportion to the number of children reported, from four to twelve years of age, in each. These several sums for the city are, however, as other public moneys are, to the city treasurer.

School officers. Two trustees and visitors of common schools to each ward, are annually elected by the citizens: thus composing from the seven wards of the city a board of fourteen members, who audit and allow all school accounts, which are then passed by the council, and orders drawn upon the treasurer for their payment. The trustees appoint the teachers, and have the general supervision and control of the schools.

The board of examiners and inspectors of common schools are composed of seven gentlemen, who receive their appointment from the city council, for three years. They examine the qualifications of teachers, inspect the schools as to their government and course of studies, and are required to report the result of their examinations and inspections to the council, and the trustees, and the city council. No teacher can be employed in the common schools without first having obtained from the board of examiners a certificate as to qualifications and moral character.

In addition to the two boards already named, the city council exercises a limited and constant supervision over the interests of the common schools.

German English common schools. In conformity with the law of the state passed March 19, 1840, the

trustees and visitors have, during the past year, instituted two schools of this kind. One is conducted by three teachers, the other by two—making five teachers in all. The expenses in keeping these schools amounted to \$1,113 88.

It is proper to state that there was considerable difficulty in establishing these schools. The school rooms had to be furnished, and teachers selected who understood the German and English languages. This was not so easily done as was at first anticipated. In the selection of teachers, however, the board have thus far been very fortunate. But after the teachers were employed, there was still a difficulty as to the organization of the school, and the course of instruction to be pursued in them.

The trustees have requested their German friends to visit the schools, and have advised with them in all matters relating to them, and requested their views as to the course of studies they deemed proper to be conducted therein. These requests have been kindly acceded to, and several communications have been laid before the board on these subjects, which have been received and duly considered.

The law authorising the German English schools, contemplates giving instruction in *language*. It says: "The duty of the board of trustees and visitors of common schools, to provide a suitable number of German schools under some duly qualified teachers, for the instruction of such youth, as desire to learn the German language, or the German and English languages together, which schools shall be subject to such regulations as said board may from time to time adopt for the government of the same."

The following is copied from a petition presented by German citizens, who are friendly to these schools and the institutions of our country, and therefore entitled to due consideration:

The board of trustees and visitors of common schools of Cincinnati.

GENTLEMEN: It is the desire of the undersigned, Germans of the city of Cincinnati, that the German language should not be made a separate branch of study, in the German English common schools, but that both languages should be taught together, even in the lowest and smallest of the large portion of the pupils in these schools will not be able to acquire a thorough classical education. It is therefore important that what they learn here should be made most beneficial to them, which will not be done if the English language is excluded in any of the department.

Cincinnati, March 12, 1841.

This was signed by about fifty of our German citizens, who are more immediately interested in these schools, by their friends and patrons.

Evening schools. The law of March 19, 1840, also requires the trustees to provide a suitable number of evening schools for the benefit of young men over twelve years of age, who, by the nature of their occupations, are prevented from attending day-schools. Three of these schools were opened during the months of November, December, January and February last.

Some of these schools were for a time well attended, and great good was anticipated from them. There was, however, greater irregularity in the attendance of the pupils than is consistent with the character of these schools; and hence that benefit has not been realized which was at first contemplated. From the indications which have been given, we are of opinion that the continuance of these schools for three months is as long as their usefulness can be rendered adequate to the expenses incurred for their support, and that this should be from November 15th to February 15th.

The expenses of the evening schools this year has been \$299.

These, and the German English schools, have increased our annual expenditures about \$1,500.

School at the Cincinnati orphan asylum. This school is still in successful operation.

Private schools. There are now comparatively but few private schools kept up in the city of the same grade as our public schools. The better than any thing else, goes to test the popular character of the common schools, and the estimate placed upon them by those who have children to educate. There are however several excellent private schools of the same grade, and others of a lower and higher grade, all of which, with our public schools, and the "Woodward" and "Cincinnati" schools, are harmoniously contributing to build up, and expand, the literary and scientific character and interests of our city.

School apparatus. Our schools are all supplied with Mitchell's large map of the world, and of the United States, and the map of Ohio by Doollittle and Munson—and blackboards. Some of the schools, through the efforts of the pupils and their teachers, have provided themselves with *globes*. All of these are found

to be very useful. The *blackboard* in particular is now variously used, by nearly all the classes, in the three higher grades of our schools.

Examinations and inspections. The annual examination of our public schools takes place at the close of the school year, generally commencing in the middle of May, and continuing from two to four weeks.

The inspections take place in December of each year; the object of which is to review the schools, and to see that every thing is in order.

School books. The recommendation of the former board, to change the books, so that each grade of pupils has been adopted, and found to be of great utility to the schools, and a saving of trouble and expense to parents.

The following is the list now in use: 1. Alphabetical and spelling cards; 2. McGuffey's Primer; 3. Fickett's Spelling Book; 4. Eclectic Second Reader; 5. Fickett's Juvenile Reader; 6. Fickett's Reader and Definer; 7. Eclectic Fourth Reader; 8. Introduction to Fickett's Expositor; 9. Fickett's Grammar; 10. Mitchell's Geography and Atlas; 11. Mitchell's Geographical Reader; 12. Ray's First, Second and Third Arithmetic; 13. The Bible, without note or comment. The course of elementary works in history, algebra, geometry, and natural history, is left to the discretion of the trustees and the principal teacher of each school; subject, however, to the direction of the board.

School teachers. During the past year 69 teachers have been employed, 49 females and 20 males.

Pupils. There has been enrolled in our schools this year, 6,081. The number removed and withdrawn, 2,547. The number remaining, 3,534. The average number in daily attendance has been 2,760.

The average number of pupils in daily attendance to each teacher has been 40.

The number enrolled, and the number in daily attendance has increased considerably during the past year.

Hours of tuition. The teaching hours in our schools are in summer from 8 to 12 in the forenoon and from 2 to 5 in the afternoon. In winter from 9 to 12 in the forenoon and from 2 to 5 in the afternoon. There is an intermission of 15 minutes in the forenoon and afternoon sessions; and in the primary departments these recesses are repeated during both sessions, or extended a longer time, at the discretion of the teachers, with the concurrence of the resident visitor.

Expenses. Amount paid for tuition, \$18,594 82. Amount paid interest on school loan, 3,000 00. Contingent expenses, 4,550 31. Average cost of each pupil based on the average number of those enrolled, and those in daily attendance is 5 25.

The amount paid for the school for the children of the colored people was commenced on the 1st of May, 1840, and continued to the 1st day of March, 1841; when the school tax on the property of the colored people was discontinued, and the supervision of the board over it ceased.

The amount of their school fund was \$257 96. The amount paid for the support of the school was \$262 50. The average number of pupils in attendance was fifty.

The school room was furnished without charge to the school fund, which was all laid out for tuition.

MISSOURI.

The St. Louis Commercial Bulletin says, that no less than one thousand substantial buildings of the largest class were erected in that city within the past year, some costing from \$3,000 to \$40,000 each!

LARGE BENEFIT. Mr. Shackford, who recently died in St. Louis (Mo.) made the following disposition of his property:

"Mr. S. gave the American Bible society about \$10,000. By bequeathing to his widow \$15,000 and \$10,000 each to his children, in stock in the Louisville and Portland canal, (a very valuable investment), he gave the residue of his property to the Foreign Missionary society, Home Missionary society, American Tract society and Marion college, to be equally divided among them."

The St. Louis Gazette says: "If the property could have been sold at his decease, it would have given \$10,000 to each of these societies."

LEXINGTON, Mo. *State of improvement.* About ten buildings more will make one hundred since the first of January last. Nineteen new brick buildings can be counted on the ground. The balance of the buildings are wood, and among them some beautiful buildings and showpieces. At least ten new houses will be put up between this and the first of January next, so that the year will give one hundred buildings for the present year. (Lex. Express.

HANNIBAL. About sixty-six buildings more will make one hundred since the first of January last. In other words, there have been forty-four buildings erected, comprising a church, two saw mills, warehouses, factories, stores, dwellings, &c. [Hannibal Journal.

MICHIGAN.

ELECTION. The Detroit Free Press sums up the gain to the Van Buren party, from the recent election as follows: In the senate, 19 Van Buren to 5 whigs, and one vacancy. In the house of representatives, 47 Van Buren to six whigs. The popular majority, as ascertained in the vote for Barry, (V. B. candidate for governor), over Fuller, (whig), 6,529. Last fall, Harrison's majority was 1,805.

COLORED POPULATION.

There are several considerations which give interest at the present moment to the subject embraced in the following article. It is taken from the proceedings of a meeting held in Anne Arundel county, Maryland, calling a convention of delegates from the several counties of the state, of slaveholders, to assemble at the city of Annapolis in January next. Meetings have been held in several of the counties appointing delegates for that purpose. It would of course be very important to the meeting to be in possession of the provisions of the existing laws upon the subject they are to have under consideration.

Without being apprised of the objects in view we notice that the following resolution has been adopted by the board of common council of Washington:

"Resolved, That the mayor be requested to inform the board, with the least possible delay, what are the provisions of the state laws, of the laws of Maryland and Virginia in relation to the emigration to, and settlement in, those states respectively of free negroes and mulattoes, and the conditions upon which such persons are by law allowed to emigrate to, settle, and reside therein; and, also, of provisions of the laws of the United States, in relation to the emigration of slaves therein, respectively; and, further, of the provisions of law now in force, if any, in the cities of Baltimore and Richmond upon the same subjects.

Towards the above object the following article may perhaps contribute something.

Independent of those local considerations, the deep interest which so many are now taking on both sides of "Mason and Dixon's line" upon a topic involved in the following article, renders it of general importance, especially when it is remembered that the laws of the states of Maryland and Virginia, as they existed at the time of the cession of the District of Columbia to the United States, continue to be the laws of the District, except in cases where congress, as the legislature of that territory, have thought proper to make enactments to supercede those laws; and on the subject of the colored population it is believed they have passed very few laws. It would be a knotty subject for them to legislate upon now.

But beyond all those considerations, the history of the real condition and progress of the colored population of the state, as that condition may be collected from the existing legislation, and the existing laws, is a matter that a few years hence will be sought for with as much avidity as perhaps any topic that we could have regarded.

The following abstract was compiled by a friend to the editor, and will be found substantially correct.

A SKETCH OF THE LAWS OF MARYLAND.

In relation to the colored population of the state.

Policy of the state. In our state we have a species of servant not known in England, and which therefore is peculiarly regulated by our own laws. Negro slavery commenced in this colony at an early period, and was here, as elsewhere in this country, too much encouraged by the legislation, and the promotion of individual riches, and too little repressed—in the influence it would exercise on the country, on posterity, and on the character of the citizens, as well as the rights of the slave himself. But as this species of property originated by purchase in Africa, and during the busy period of the settlement of the country, it was not deemed expedient to render conscience towards the rights of their fellow man to prevent it, the custom of owning slaves became a precedent, and grew into law—*communis error facit legem*; and the law therefore recognises this species of servant, unknown to the laws of England, and indeed, it is the general opinion now, that it would be better if slavery not only had never prevailed here, but that all distinction between different classes could be obliterated by removing from the soil of the state those who never will be able to move in a sphere of

Voting—Testimony. The act of Nov. 1796, ch. 67, § 5, enacted that no slave manumitted by the laws since the act of 1783, ch. 23, shall be entitled to vote at elections or be capable of being elected or appointed to any office of profit or trust, or to give evidence against any white person, or be competent evidence to manumit any slave petitioning for freedom. And

spirit of liberty that impelled our revolutionary forefathers, and, like them, felt that the success of their efforts was necessary to the welfare and happiness of their posterity. They did succeed. Day after day the cheering tidings came in, that state upon state had declared for the whig cause. At length the whole of the whole American people were united, and HARRISON, the patriot, the state-man, soldier, and, best of all, Christian, was called to direct the nation! To his voice (said Mr. B.) I yielded, and became a member of his cabinet. And when, sir, I saw and knew that noble old man, and those whose counsel about him were men of high standing, in the midst of thousands of his countrymen, take that solemn oath which bound him to redeem the pledge then given, of faithful devotion to his country, I felt deep assurance that misrule was at an end—that the one-man power was repudiated from our system, and the nation secure of a true representative government.

But a fearful change has come over the land. There is a voice heard as of mourning, and a feeling of distrust seems to pervade every part of the country. Why is this? Are whig principles less sound than were two years ago? Are they? Are locofoco doctrines less fraught with destructive anti-social and anti-religious qualities than they then were? Are the whigs more ready now than then to embrace them? None will answer these questions in the affirmative. No, though there are many good reasons for the rapid change in public opinions, the tendency of their party principles are still disorganizing and destructive, and the whigs as much as ever reject and dread them. And yet, look at the present aspect of things; of seven states of the union, in which elections have recently taken place, and where the whig party was told by the election returns to exhibit a locofoco triumph. Why this, if the whig strength is not diminished? In my opinion, this result is to be attributed to the same causes which led to the disruption of the late cabinet. And what are they? The whigs have raised up a man to the executive chair, who, though elected as a whig, presumes to be a whig, and believed to be a whig, nevertheless either does not justly understand, or truly value and consistently pursue, the great constitutional principles of that party. It is neither my purpose nor wish (continued Mr. B.) to speak in terms of severity of Mr. Tyler, but the principles of the States, though they may be administered, is but a public servant, and as such, his conduct is a fit subject for examination and remark. His conduct towards congress and his constitutional advisers was the main cause of the dissolution of the cabinet and the same cause has led to our removal from the cabinet. There is no abandonment of whig principles any where, but uncertainty and distrust have produced, for the time, inaction among the whigs.

Attempts have been made, I know, sir, (continued Mr. B.) to discredit the statement in Mr. Ewing's letter of what passed in the cabinet meeting of the 18th of August, but I may here, in the presence of this enlightened and respectable company, on the responsibility of my own reputation for truth, of which none are better able to judge than those I address, that that statement is true—in its leading and essential facts absolutely true—in all its details substantially true.

There is no doubt that would not have been dissolved simply because the president vetoed the bank bills. His scruples, if sincere, however unreasonable, and even absurd, would have been entitled to tenderness, if not respect; and no member of his cabinet would have visited with the harshness of censure, the error of one who sought for truth, and who, in the process, to find and a desire to embrace it, merely because, through feebleness of understanding or early prejudice, he was disabled to perceive it. It was the want of sincerity and ingenuousness—of directness and candor—it was the disregard of courtesy and respect—it was the manifestation of a vacillating and an unsteady mind—it was the want of that manliness which assumes and avows its own errors, and scorns by concealment or evasion to visit them on others—that compelled the president's confidential advisers to abandon their position. Consider the circumstances of the case, and you must admit, if this is not so. One bill having been defeated, he himself proposed another, and induced the members of his cabinet to urge its passage. The bill was passed and sent to the president. Did he sign it? Sir, after his cabinet had induced their friends in congress to accept it, he signed it with a bad grace, he only did not sign it, but he sent it back with scorn, as a measure that every one must have known he could not sanction. How, then, sir, was his cabinet situated? The bill that they had been induced to recommend was so repudiated as plainly but indirectly to exhibit the cabinet as false to truth, false

to congress, and false to the country. What would be thought of that master who, having commissioned his servant to make a purchase, should, after the execution of his order, deny the contract, and put him upon proof of his authority? Every man must perceive that, a total loss of confidence having taken place, there was an end at once to all hope of rendering aid to the country. Of the future conduct of the president we could only judge by the past; and from that, what could we infer but a disregard of all that was justly due to his confidential advisers? His conduct, then, standing, as it does, alone, without any explanation of its apparent deviation from manifest propriety, and without any sufficient pledge for the future, left, in my judgment, no alternative but immediate resignation, unless I had been a miserable sycophant, willing to retain office, under whatever circumstances of degradation, for the sake of its emoluments and power. And in this opinion there is not a member of the whig party, or of any other party probably in N. Carolina, who would not concur.

Over the past (continued Mr. B.) we have no power, but from it we may gain lessons to guide the future. What course does it become the whig party to pursue; or rather, what steps shall be taken by the whig party of North Carolina, under the present circumstances? We see our nominal chief opposed to a leading whig measure, demanded for the relief of a suffering country, even when that measure had been framed upon his own suggestions. We see him rejecting over whig defeats, and the organ of his administration, the organ of every locofoco leader. We see, sir, our leader, who should have led the way in every conflict, holds intercourse with the enemy, and yet retains the name of whig. It was in this position he was seen when the recent elections took place, in which we suffered loss. Sir, how could we have expected that the whig party of North Carolina, in an army, drawn up in battle array, discover its general not ready to lead them to the conflict or to cheer them on to victory, but occupying some neutral position, in friendly converse with the enemy, how shall they answer with courage and confidence the trumpet of adversity? Yet their numbers are not diminished, their strength is not enfeebled, their courage has not cooled, and, if guided by a leader of undoubted fidelity, their arms would be crowned with glorious success. This, in my opinion, is a just view of the condition of the whig party. It is as strong as ever, and as ready for the field. The late elections which have taken place recently, it is apparent that the whigs have in numerical strength lost nothing, for our adversaries have gained nothing. Our voters have not gone over to the enemy, but, uncertain and dispirited by the conduct of their chief, they are ready to abandon him. Yet their numbers are whom they can rely, and the rallying word shall find them at their posts as numerous and faithful as ever. Our course, then, seems to be sufficiently plain. The whig party of the state should organize and concert their measures. To this end, it seems to me a convention on whig principles, as the only means of every quarter of the state. Let us stir up the people and invoke the aid of their patriotism, that the state may be fully represented. Let us consult together like brethren, in behalf of our country, and leave no just means untaken to preserve the union and integrity of the whig party. Especially let us select our leaders—those who know that the only consistent policy suitable to a finite creature, like man, is a consistent pursuit of truth; and that to live for thirty years without improvement, and who, therefore, will not make it the great business of his life to think, or to improve himself, as he knows that the only way to look upon it as a reproach that he has become wiser by experience. Let us have a man who, while he has intelligence to know his own opinions, and firmness to pursue them, will yet understand that the only value of any opinion is its agreement with truth, and that therefore at once to abandon and to change every opinion when satisfied that it is false and injurious. Let us have a man whose mind is deeply impressed with the importance to his country of the great principles of the whig party, and whose fidelity to them is guaranteed, not by pledges given upon obtaining a nomination, but by the faithful devotion of his life to his country's service. Above all, let us have a man with a sound American head and a sound American heart—whose patriotism instead of dwindling into the narrowness of a political sectary, enlarges itself to embrace and love and foster every interest of every citizen, and who, by the faithful devotion of his name upon the glorious whig banner, and give it to the breeze, and rely upon it, gentlemen, a noble triumph awaits us.

With such a leader we defeated the phalanx of locofocoism, headed by Van Buren, and winking with our sculps, for party purposes, the whole executive

power and patronage of the nation. Shall it admit of doubt that we can defeat the same party under the guidance of Mr. Tyler?

But, sir, (said Mr. B. in conclusion), however it may be in other states under such circumstances, the Old North State will again give evidence of her devotion to the whig principles for which she was destined in 1776. She will be true to her principles, and North Carolina—sir, speak not of Carolina, nor of North Carolina, but of North Carolina—then again will North Carolina, the faithful, the honorable, but moderate state, show herself true to whig principles, whoever may desert them!

RESIGNATION OF THE HON. C. C. CLAY. Huntsville, Nov. 12, 1841.

SIR: I am constrained by considerations of a personal and domestic nature, which cannot consistently be disregarded, to retire from the public service. You will please accept this as the resignation of my seat in the senate of the United States.

I have for some time past apprehended that circumstances beyond my control would compel me to adopt this course, and have, frequently, expressed my apprehensions to friends—more especially since my last return from the seat of the general government. It seemed, however, to be the general wish of those to whom I have commended, that I should postpone a determination upon the subject, as long as might be consistent with the public interest, under the hope, kindly expressed, that a favorable change might enable me to continue in the discharge of my public duties. But, alas! the change which has arrived; no such change has occurred; and I am compelled to yield to obligations which cannot be cancelled.

I have been long in the public service. It has been my good fortune to have been cheered and sustained, throughout, by the approving voice of an enlightened, courageous and generous constituency. Whatever changes in political sentiment, or in public opinion, may have taken place elsewhere, and notwithstanding the agitation and excitement which have sometimes prevailed around her, Alabama has never wavered, nor faltered—she has stood firmly and imperially in the ranks of the republican faith. She is now where she has been, and her position, in the integrity of her political character, the zealous maintenance of her constitutional rights, or her devotion to the cause of popular liberty. The change of relations which is about to take place, inspires me with painful emotions. Under more auspicious circumstances, I should be glad to see the people of Alabama could consistently reflect her sentiments in the national councils.

However, the regret I should otherwise feel for the necessity which imposes on me the course I am about to pursue, is much diminished by the consideration, that the principles, which it has been my pride and pleasure to sustain throughout my public life, are now in the ascendant. Indeed, were it otherwise, I know not to what sacrifices of feeling as well as interest, I would not submit, sooner than withdraw from any honorable support. Although not in power, the democratic party never was stronger than at the present moment. The people have already detected and passed sentence of condemnation on the frauds, by which they were deceived and misled during the last presidential canvass. They have arisen in the majesty of their strength, and the reaction has been overthrown, and the people are united to the other. They have again demonstrated their capacity for self-government, and will, I trust, never hereafter be defrauded of their suffrages by the ill-omened alliance of parties contending for power, without any common principles, and without any acknowledged system of measures. To insure the permanent ascendancy of democratic principles, it is only necessary for the people of this quarter of the union to understand and appreciate the prophetic truth of Mr. Jefferson's declaration, that "the democracy of the north is the natural ally of the south." To do this, let them be true to their principles. The exchange journal of the late extra session has been permitted to see the light; and they will there find that the nominations of abolitionists, of the most obnoxious character, were confirmed by the votes of southern whig senators, when every northern democrat, in his place, voted against them. These and the developments have conclusively established the charge, long since preferred, that a coalition had been formed between southern whig leaders (not the party generally) and the abolitionists, as well as the federalists, of the north. This extraordinary alliance, sanctioned by the majority of the union, and consummated by the vilest treachery, should be dissolved. Its dissolution is no less indispensable to the perpetuity of the union than it is to the safety of the south.

Although about to retire from their service, my gratitude to the people of Alabama, for the many

evidences of confidence, with which they have honored me can only terminate with my existence—nor can I ever cease to feel the lively interest which the well-earned confidence of my fellow citizens has bestowed state, and the well-earned confidence for their continued prosperity. And though but a private citizen, my faith in the republican creed is unchanged and unshaken, and I shall ever be found ready to co-operate with my fellow citizens in the support of the principles of that happy motto maintained. With great respect, I am, sir, your most obedient servant.

C. C. CLAY.

To his excellency, the governor of Alabama.

SOUTH CAROLINA.

GOVERNOR'S MESSAGE.

Executive department, Columbia, Nov. 23, 1841.
Fellow citizens of the senate
and house of representatives:

I congratulate you on the concurrence of this occasion of assembling in the service of your constituents, under circumstances as auspicious to the useful discharge of your duties, as I trust they will be conducive to the harmony of your deliberations.

While, in the general health of our citizens, and the abundance of our harvest, we have experienced the usual beneficent distribution of the blessings of an overruling Providence, we have not less cause for congratulation in the reviving prosperity of our people, from the unexampled depression and embarrassment of the times. Already has credit begun to regain confidence and stability—to pursue its accustomed channels—prosperity to resume a fixed and reasonable value—and the energy and enterprise of our people to embark with new and invigorated hope, in its various employments and pursuits.

Not the least gratifying reflection arising from these cheering auguries of our condition is derived from the consciousness that they are the results, not of any paupering patronage of the government—not of the artificial stimulants of legislative aids or interference—but of a wise and vigilant economy in the people, awakened by the disastrous experience of the past, to improve the means, and to curb the sources of the poverty. If some of the lingering effects of the late arrangement in the monetary affairs of our country are still painfully experienced, in the reduced value of property—diminished as it must be from the inflated standard of a depreciated and expanded currency—or in the difficulty of discharging debts incurred in the flood tide of extravagant speculation, and a redundant circulation—they are to be regarded as the unavoidable consequences of former errors and delusions, and perhaps the surest indications of a progressive state of convalescence and improvement.

Nor have we any cause to exult in the hope, that our government may now be regarded as having passed in security, through the most trying and difficult exigencies, that ever tried its virtue, or tested its stability.

In the events of a single year, the sudden ascendancy of a party, actuated by a high-wrought enthusiasm—impelled by the disasters of the times to seek relief in change, and rashly imputing them to the conduct of our rulers—seemed to threaten the subversion of the well established principles of '78 and '99, and of the republican policy of the government, as well as the overthrow of the exponents, by whom they were administered. But a few weeks' experience of power, laid bare the weakness, dissipated and rescinded this magnificent array of party elements and organization into its distinct and original elements. The deliberations of the late session of congress have dispelled the delusions of party zeal and fervor. Its impracticable expedients and distracted councils have I trust, again gathered and assembled the republican portion of the nation, in the unity and strength of one fold, and one conviction. And if the great measure of "deliverance and liberty," important as we still regard it to the faithful, as well as equitable administration of the financial affairs of the country, has been repealed, in form and in name, we have still the unquestionable assurance of its final success, in the overruling necessity resulting from the signal failure of every other substitute or device.

Among these abortive expedients, none was regarded with more intense and absorbing solicitude, than the proposition to establish a national bank. On no occasion has the exercise of the legislative power vested in the federal executive, been received with warmer approbation by the people of this state; or been more wisely and fortunately interposed, to arrest the most dangerous, and most obnoxious, of any unconstitutional violation of the constitution. Of all the great maxims of national policy, the production of the bitterest contention among the great parties of this union, and which has always and justly been regarded as fraught with the most powerful in-

fluences (for good or for evil), on our political institutions, the establishment of a national bank, is certainly the most obvious and important. If such has been the experience of the country, in the primitive and purer ages of the republic, under the regulations of a bank, arising out of the embarrassments of the first war, and the exigencies of the last—of comparatively limited capital, and a restricted sphere of operations—that what were to be anticipated from an institution organized as the instrument of a party then in power—operating amidst the ruins of a disordered currency, and the wreck, weakness and dismay, of state and local institutions! The expiring struggles of the late United States, and the spectacle of its existence, afford the fiat of the people, and the constituted authorities of the country, are recent in the recollection of all of us, and form an important epoch in the history of our government. Doubtful as that contest must be admitted to have been, waged even as it was against an administration, porous and effusive and energetic that has ever controlled the destinies of this nation, what were we to anticipate, when our rulers themselves should have become its allies, its party or its pageants. In this view, it would have changed the character of our government, become part of our political institutions, and the nation would have been subjected to the deprecating evils that could befall a country—"the union of purse and sword, in the federal head"—or worse, in the hands of a federal party. Well may such an institution be supposed to have had the power to regulate the currency; but it would have been with the iron rule of despotism, restraining all interests, absorbing all capital, measuring all profits, overpowering all competition, and attracting the wealth and prosperity of every other portion of the union, to the centre of its operations.

It was an honest confession, of one of the ablest patriots of the United States, that before a committee appointed by congress to investigate its affairs, that it was at any time within its power to crush state and local institutions! What an appalling fact for the contemplation of the sovereign states of the union! What a prophetic warning to the institutions chartered by their authority! What a warning to the country, which has been crushed at the bidding of a heedless, soulless, cent. per cent. calculating corporation! The rights of the states, and the liberties of the people, to be subjected to the domination of a sordid moneyed avarice! And yet, such is the supremacy over law, liberty and the institutions of the country, which such a power inevitably has attained. Encroachments upon the liberties of the people, in other times and nations, were to be apprehended from the swords of conquerors, and the usurpations of ambitious rulers; but experience has shown that in our own age and country, the strongest efforts to maintain constitutional and even sovereign rights, have been waged against an ambitious money power, in all its various forms, of bank monopolies, and protective tariffs. Well, therefore, may we congratulate the country on having escaped the ambitious pretensions of an institution which after imperiously dictating the humiliating duty to the federal executive, of violating his constitutional obligations, now threatens, through the vengeance of a disappointed party, the rash and iniquitous retribution, of abolishing the most useful and conservative of all the prerogatives of his department.

The revision of the duties on imports, justly regarded by the friends of this state, as so much proportioned to the burdens which the protective tariff has hitherto imposed on them, has been made, neither in that spirit of equity, or of compromise, which we had just reason to anticipate from the penalties and concessions of the act of '33. The history of the opposition of this state, to a tariff for protection, can only be too clearly and justly maintained, and the considerations which actuated her, in consenting to compromise her interests for a term of years, to the peace and safety of the union, should be a warning, as well as an inducement, to respect her rights, as well as her forbearance. While the government is involved in the struggle between the agricultural and manufacturing interest perhaps the least objectionable, and the most prosperous of any in the union, the renewal of a policy by indirect means, which is now universally admitted to bear unequally upon the productive industry of different portions of the union, is a violation of the rights of justice, as well as a most wanton violation of law. The living generation, who were the witnesses of the struggles and pledged in the late contest for her constitutional rights, have not yet passed away—the monuments of the times have not yet perished, the very altars consecrated by the blood of our fathers stand before us—in her preparations for defence, still in a condition of requisition—the age, its records, and recollections, have scarcely become a part of history, before the very

burdens and oppressions which they were intended to resist, are renewed with a shameful infidelity, which seeks neither pretext nor justification. A home valuation, cash duties, and an unreasonable and exorbitant revenue of more than thirty millions, it is believed are a little less onerous in amount, or unconscionable in effect, than the enormous thirty per cent. duties which the sovereignty of this state was so sternly interposed to resist. And if, upon the principle of all protective duties, they are destined to increase to an extent and enormity to which our experience of the past, as well as the tendency of the times, most emphatically and loudly then, it will be better to say, whether South Carolina has so fallen from her high eminence of sovereignty and independence, as to admit by a silent acquiescence in these wrongs and grievances, that there is no "mode, no remedy, no measure of redress." If she was sufficient then for the emergency, she is doubly adequate and fortified now, in the union and strength of all her citizens, to meet aggressions upon her rights, come from what source they may. Nor is it less becoming the dignity and character of a free state, in assuming a position of defence which she is resolved to maintain, to manifest a due regard for all the rights of the oppressed, and to stand upon the strong and irrepressible in fact, as it is in equity, and in argument. Disregarding all theories, that so often confound the convictions of the best and purest minds, and resorting to the resources which she can so amply command through her organized government, and with which God and the people have honored her, would she not in the union and strength in the hands and the hearts of her citizens, which she will be invincibly united in her defence.

Another topic, of not less importance in itself, or of deep moment to the citizens of this state, is the act of distributing the proceeds of the public lands. As a source of revenue, the proceeds of the public lands, at the very instant when the federal treasury is said to require to be replenished, it would seem like wantonly seeking a pretext to increase taxation. But considered in any point of view, it can be regarded in no other light than that of a distribution of the public revenue. In one year, during a previous administration, the proceeds of the public lands, sold, produced a revenue of upwards of twenty millions—a maximum to which, in more prosperous times, it would possibly again attain. Its average may even now be estimated at five millions, which, if annually withdrawn from the treasury, leaves that deficiency of at least five millions to be supplied by increased duties on imports. Thus, the amount of the proceeds of the public lands to raise revenue for distribution, is a principle I presume, which this state is not prepared to admit. Under the operation of the various pre-emption laws, and the frequent reductions in the price of public lands, those very states which were the largest contributors to the "public domain," or whose "blood and treasure" were most lavishly expended to acquire it, have at the same time been subjected to the greatest sacrifices, in the emigration of her citizens, and in the diminished value of their products, reduced by an unequal competition with the more abundant and teeming resources of those new and fertile regions, which their enterprise and industry have been seduced and abstracted to cultivate, to the waste and abandonment of their own. It was enough to have borne all this with patriotic devotion to the interests of our common country; but when it is proposed to divert that domain from the sacred purposes of the government, and to devote the proceeds to additional burdens of taxation on one class of industry, to give protection and bounty to another, it assumes a character of the highest injustice, as well as the most palpable infraction of constitutional principles.

But the most dangerous, as well as the most humiliating effect of this measure, is the condition of dependency, which it would tend to create upon the bounty and beneficence of the government—existing as they would, in the relation of subsidiaries upon the profits of their own estate—receiving its charity, doled out from their own wealth, and subdued to a state of homage, servility and compliance, by bribes, stolen and lavished from which the trade of the state is not to be regarded as the first step to the assumption of state debts; designed to consummate a consolidation of interests, obliterating all distinctions of sovereignty, or pride of independence, and tending to concentrate empire and dominion over the rights of the states, and the confederacy of the people. I trust, however, that the noble reform, which has been so powerfully evoked by the errors of the late session of congress, and so decidedly manifested in the results of the popular elections throughout the union, will prevent the spoils and plunder of this system, from ever sapping the treasury, or containing the coffers of a single state in the union. Let us pause, at least for a moment, in the hope, that the

correct principles and high motives of an unbought, unfeigned, and incorruptible democracy, are operating their pure and salutary influences on the councils and measures of government.

Among other resolutions, which, as the *official communication of a sister state*, it is my duty to submit to a co-ordinate branch of the government of this, is one proposing to alter the constitution, to limit the eligibility of *any individual to one term of years*. The experience of this state furnishes no reasons for such an innovation upon the long established usage and principles of the government. I cannot conceive that it can be productive of any other effects than to increase the usually over wrought excitement of the presidential canvass, render the relations of the people frequent—to disconnect the relations of sympathy between the executive and his constituents—to divert him of the most powerful motives to regard the will, or to merit the approbation of the people—and to make him the instrument of a party, to minister to its purposes, and to pandor to its lust of domination.

In all the history of our government, the influence of the executive power, to modify its action on the reserved rights of the states, has been of a conservative, rather than of an aggressive character. More than twice has it been interposed to rescue the people from the domination and abuses of a national law. It was in defence of our rights and our institutions, that the determination of a late executive to refuse his constitutional sanction to the abolition of slavery in any of its forms, was so fearlessly avowed; and this state, I presume, can have no interest or motive to remove the few salutary checks and embarras to the action of the executive. The legislation of a majority in congress, as to induce it to war against the dignity and prerogatives of a department, the weakest and most conservative, perhaps in the government.

I also submit for the serious consideration of the legislature, a copy of the *communication of the governor of Virginia*, on the proceedings of the general assembly of that state, on the subject of her late controversy with *New York*; and reports and resolutions from the state of Alabama, responding to the views and declarations so solemnly announced by this state, on questions deeply involving the right of property, and so sacred to the dignity and interests of the south. Bound by every consideration of duty of interest, of honor, and of equity, to repel so flagrant a disregard of the rights of a sister state, we should always be ready and prompt to redeem the pledge of our alliance to a cause with which our independence and institutions are so intimately connected. If amity cannot be preserved even between separate nations, in which the rights of property are not regarded as they exist, under the respective laws of each; much less can sovereign states be permanently allied in a bond of union, under the same laws, government, and constitution, where fugitives from justice, plunderers of the property, and violators of the laws, of one, find refuge and impunity under the sanction of the constituted authorities of the other. No wrong is more deeply resented by nations—no injustice can more deeply stain the faith, or more essentially impair the friendly and intimate relations of confederated states. If the obligation of comity, which requires one nation to do to another, on demand, fugitives from the justice of deliver, are to be disregarded—our institutions assailed—the plunderers of our property encouraged and protected—then must we regard the perpetrator of these aggressions, "no matter by whom committed," as a foe to our rights, and an enemy to our peace. Whether the wrong in this case has been done to Virginia or South Carolina, the principle is the same, the interest involved common to both, and the responsibility of protecting them should equally devolve on every state in the union, in which justice exercises dominion, or similar institutions exist. Persisting in such a course of unprovoked hostility to the interests and institutions of the south, New York can only be regarded in the light of any other aggressing power—in peace friends, but enemies in war. The adoption, in all such instances, of a similar course of vigilance to that which the state of Virginia has instituted, will perhaps be the only safe and effectual precaution, to prevent the recurrence of similar aggressions upon the rights and rights of our own citizens and institutions. We ought, upon every principle of equity and of interest, to make common cause with any state whose rights and institutions are thus wantonly assailed and assailed.

It is possible that it may become this state to assume, on any of the important questions presented,

would seem to suggest the importance and necessity of cultivating and improving her means of *safety and rights*, liberty, or sovereignty, without the aid of ability, or resources to defend them. It would be better at once to endure threatened or impending ills, unaggravated by opposition, than by unceasing denunciations, and imminent exhibitions of resistance, to provoke and increase their bitterness. Prohibited, by the laws of the state, the only means of saving the rights, the honor, and sovereignty of the state. The improvement in which it so rapidly progressed, under the influence of the late brigade encampments, offers the highest encouragement to the continuance of patronage, as well as the happiest illustration of the beneficial effects of the mode in which it has hitherto been conferred. Assembled in these normal schools of drill and tuition, where a patriotic emotion was excited—where knowledge was imparted and received, under the criticism of the most improved and accomplished officers—where such favorable opportunities were afforded for discriminating the qualifications, both of the soldier and the citizen—and where that martial pride and feeling was acquired, which is the best, perhaps the only foundation of an elevated patriotism, combining so many motives, stimulants, advantages and incentives—it is not surprising that the results are so beneficial. The salutary effects of the gratifying assurance that our militia now comprises in its organization, a class of officers whose knowledge and complements would do credit to any age, or service, or country. With such inducements before us, it is deeply to be regretted, that an experiment productive of so many advantages and improvements, without any detracting consequences whatever, should have been prematurely abandoned.

Already are the effects of that abandonment visible in the waning enthusiasm of the service, and the resignation of some of our ablest officers, from a conscientious regret and despondency, for the future usefulness and efficiency of their exertions. Such a state of things, it is to be regretted, has induced an invocation to restore a system from which the state has derived such important benefits. Confined perhaps as those encampments should be, to commissioned officers, it is not to be presumed that any officer would be so inconsiderate to the honorable rank of his position, or to the confidence which the state reposes in his courage and fidelity," as to regret the privations and inconveniences of five days camp service, to learn the art of defending his country and institutions. With some slight and salutary modifications of the law by which they were regulated, it is to be hoped, that the age and the talents of the schools of correct morals, as well as of patriotism and military discipline. With the alteration or addition of such provisions as may promote this desirable object, the bill under the consideration of the legislature, at the last session, in December, and revised by the adjutant general, with the accompanying report, is respectfully referred to your consideration.

And all the portents of the time—the peril that every where surrounds our domestic institutions—the emergency that may call upon us to vindicate our rights and principles—I cannot refrain again and again to urge your attention to the organization of our military resources and defences, without a due regard to which, no state action can be efficient, and the assertion of sovereignty itself be but a bye word and a reproach, without dignity, and without effect.

The urgency of a national war, (remote and distant as I trust it is), cannot be overlooked, among the numerous other inducements to improve our military resources. The most exposed, perhaps as we are, to its ravages, from the neglected condition of our coast—the greatest sufferers, from the burning of our harbors, are destined to improve our means, how provoked or originating, whether by the ambition of one power, or the officious border aggressions of the other—there can be I am sure, no selfish or ignoble considerations, that would ever restrain the most generous contributions upon the part of this state, to the improvement of our means, to save the national honor from tarnish or disgrace.

By an act of the legislature, in December last, the duty was devolved on this department, of proposing for the acceptance of the *several banking institutions of this state*, an act to amend their charters, with a view to the improvement of the interest on the payments. The bank of the state, the South Western Rail Road bank; the Union bank, and the

Planters' and Mechanics' bank, with a commendable desire to conform to the wishes and objects of the state, have, in good faith and security, accepted its provisions.

In executing the instructions of the legislature, in that spirit of mildness and forbearance in which I am sure they were conceived, I deemed it proper to overlook the delay of a few weeks, after the precise period fixed by law, for the acceptance of the two latter institutions. It appears, however, that it had arisen from unavoidable circumstances, and not from a culpable neglect or refusal to comply with the requisitions of the law.

It is due to the high character which these institutions have hitherto sustained, and I am sure now reflects no injustice upon the motives of the legislature, to state, that the object of this enactment was to prevent anticipated evil, rather than to redress past or existing abuses. The federal government having in the exercise of a wise and sound policy, abandoned that control over the currency which it had hitherto usurped, the necessity of a supervision over the monetary affairs of this state, had become more obligatory upon those to whom the people have entrusted the power of regulating them.

In such a state of things, it could not be deemed an unnecessary or officious act of caution, upon the part of this state, if she resorted to all the ordinary and legitimate means of rendering her own currency sound, adequate and stable. The exercise of these means, it is to be presumed, will be sufficient (and perhaps an imprudent) extent, to her banking institutions, by the extraordinary privileges and immunities with which she has endowed them. If the trust has heretofore been faithfully and ably executed, the merit is to be ascribed to the virtue and fidelity of the agents, rather than to the want of any power or opportunity, to abuse it; or to any provisions in the laws, to restrain or punish it. Under these circumstances, this state was perhaps necessarily forced to entertain the question, whether she had irrevocably parted with all power to regulate her own currency, or delegated that power, without reserve, restraint, control or supervision, on her part, for the term of years for which she has chartered her monied institutions. If in fact there does exist this *imperium in imperio*, for the exercise of so important a power, the people of this state might well ask, upon what constitutional principle a sovereign right, which can only be exercised legitimately by their own government, has been delegated to agents, politically irresponsible to them. In such an issue, it is not a very remote or fanciful anticipation, that if so important a right were indeed improprietly lost in law, it would be too probably, in the absence of any other resort, be reclaimed by revolution.

The wisdom and propriety of retaining some checks and guards, similar to those which have been proposed, upon the extraordinary privileges with which this state has endowed her chartered institutions, is I presume universally admitted, in reference to those hereafter to be chartered. It will readily, however, occur to every reflecting mind, that a preventive legislation in this respect, could remedy none of the existing evils.

The banking capital of the state is more than equal to its exigencies and requirements, and the most of those corporations in which it has been vested, have many years to complete the term for which they were chartered. Such a discrimination with regard to future and existing banks, would therefore be as inefficient as it would be injurious.

If I have a just and proper conception of the objects of the proposed amendment, it was with these views and conceptions, that the state thought proper to require these salutary concessions from her chartered institutions, to her sovereign authority and supervision. Deriving commonwealth privileges and immunities from her liberality, she has pre-emptive and irresistible claims upon their confidence and gratitude. Trusted for a long course of years, with the exercise of rights and powers and franchises sovereign in their nature, and which can appertain to none of her citizens individually, she may as well assume a moral, as a political right, to be trusted in turn, with a discretion, which she cannot exercise for her own interest without promoting theirs. That she has generously sustained them in all past misfortunes and difficulties, is the highest evidence of her future kindness and liberality, and should be a most potent motive, to induce her to continue in the exercise of that confidence, and to be contented with the future acts of contumacy. And while the interests of her citizens are so intimately connected with their stability and success, the restraining influence of a just and enlightened popular feeling, will be ever ready to interpose, to prevent the capricious exercise of legislative authority.

To these high considerations, may perhaps be added another, of not less practical importance: that the

salutary influence of state authority would perhaps greatly conduce, in times of extraordinary calamity, to prevent those controversies and dissensions between the banks themselves, which were so unpleasantly exemplified in the history of some of our own institutions, during the disastrous events of the late suspension. That it has already exercised a salutary and judicious influence, may be inferred from the fact, that under the operation of its provisions, the banks of this state alone, of all the institutions south of the Potomac, have in the history of the present engagements or demands for specie, without pretext or evasion.

Whatever may have been the motives or necessity which induced to the enactment of this statute, the rejection of its provisions, by some of these institutions, has made the necessity of the grave inquiry, the subject of the discussion and decision of which, this state cannot, without a sacrifice of her dignity and self-respect, shrink or recede. In this aspect of the question, I felt constrained, by every sense of duty, as well as of allegiance, to exercise all the authority which I was entrusted by the legislature or the constitution to enforce the objects of the law through the judicial tribunals of the state. With this view, I deemed it proper to engage the services of several of the most efficient gentlemen of the bar, as assistant counsel, to co-operate with the attorney general and solicitors. I regarded as the more necessary to do so, as the season of the year at which the court was held in Charleston, as well as the demands of their respective circuits, would necessarily deprive the state of the able services of some, if not of all of the solicitors. I had no authority to command their presence and services in Charleston, and under such circumstances of inconvenience, as those under which they would have been rendered, I could not presume officially to request them. The arduous duties which would therefore have devolved upon the attorney general, could not have been performed, even by his indefatigable zeal and industry, but at the expense of every other duty and engagement. And although having every confidence in the talents and attainments which have so deservedly placed him at the head of his profession, yet the grave responsibility of advocating the interests of the people, and the dignity of the state, on a subject so important and so vexatious, seemed too great, as too serious (and it was even deemed so by his modest sense of his own merit), to be devolved on the abilities of a single advocate.

From the manner and ability with which their duty has been performed, I have derived the greatest satisfaction; and the people and the state I trust, lastingly and essentially benefited by the able and unflinching efforts with which their rights and interests have been vindicated and secured.

In connection with these remarks, relative to the controversy into which this state has been so unfortunately drawn, by the recusancy of some of her banking institutions, I thought it proper to allude to the views to which you have been so good as to direct your views to the consideration of some permanent and prospective mode, of regulating our currency. I assume, of course, that this state can never acquiesce in the existence of a national corporation, or admit the necessity of subjecting its monetary affairs to the arbitrary and exclusive control of such an institution.

Much of the pressure and difficulty under which our community has labored, has arisen from the constraint imposed upon the operations of our banking institutions, by the dissensions, necessarily incident to the inability of parties to agree, and to the probability so fact in the economy of banking operations, more incontrovertible than that the business of a moderate capital, under ordinary circumstances, is usually productive of the highest rates of profits.—And if, in our experience, there exists any exception to this, it is in favor of the larger banking institutions; it is because the late policy of the state, in creating so vast a disproportion of capital as now exists, has substituted the dominion of the few, for the honorable competition of all, and thereby produced strife and discord, where nothing but a generous emulation of public usefulness should prevail.

The greatest profits of the banking institutions are presumed to be derived from its operations in exchanges. In proportion to the exorbitancy of the rates produced by the derangement of the currency and the pressure and difficulty of the times; and in proportion to the advances of the capital by which the more numerous and smaller banks are enabled to sustain, so may its interest and tendencies be directed to protract, and even to increase that state of disorder, from which it acquires its greatest gains. It cannot therefore be a wise policy which supplies the more numerous and smaller banks with the power, motives and inducements to profit by the necessities, or to extort from the necessities and inconveniences of the people.

I do not mean by these general propositions, to impose a censure on the conduct, or illustrate the abuses of any one of our own institutions. The example of one of them, at least, during the late suspension, so far from manifesting such a policy, cannot be too highly commended for its forbearance in the use of its advantages, as well as its wisdom and firmness, in maintaining the faith and credit of the south. Still, an undue and dangerous power over our currency, is necessarily incident to the position of financial authority which it occupies. And if that power has not been tyrannically or corruptly used to its injury, or the detriment of the public, it has been owing solely to the discreet forbearance of those who wielded it, and not to any safeguards provided by the laws to restrain it.

The protection of the capitals of the several banking institutions of this state, (where their charters to be removed), to some common and moderate standard, less than that of our state institution, would probably prevent the recurrence of future evils from this cause. But in the mean time, to strengthen the influence of our state bank, either by an increase of capital or of immunities, is perhaps at present, the most efficacious, and the only means of correcting existing ills, which legislative action cannot otherwise reach, without violating the charters which sanction them. Whether this state should participate in such an operation, at this time, I do not regard as an open or a practical question. But whether she should not use her institution, in the language of a distinguished statesman, to "unbank" the abuses of the system, is a policy that deserves to be well considered. Such a position it is presumed the state would occupy, with a most dignified, salutary and judicious policy, with the most my estimation, that so long as the state engages and competes in banking operations, her institution should at least exercise a controlling influence on her monetary affairs; or else present the strange political anomaly of the public treasury, (with which it is practically identified), and the people's money, subjected to the capricious and selfish domination of private corporations which, however beneficently exercised heretofore, is always liable to abuse. That its present resources are inadequate to this object, is but too apparent from the inconvenience and restrictions, to which it is at all times of great pressure and difficulty, it has been subjected.

Whether it may not be expedient, in the event of increasing its capital, to associate private interests, which may always exercise a salutary vigilance on its operations; or, by merging, as their charters exist, the capital of the state into the capital of the system, proportionately controlled by the officers and representatives of the people, are measures which I would suggest as worthy of your consideration. Such a system of finance, if uniformly adopted by the states, regulated and modified by the influence of a common and salutary system, it is believed would furnish the best and soundest currency in the world.

The report of the president of the bank, will apprise you of the profits which have accrued from the transactions of this institution for the past year; and for a review of the circumstances and embarrassments pervading the community under which they have been realized, you need not be referred to monitor more faithful than your own experience.—Satisfactory as those profits are, considering the character of the times, they have been derived from accommodations as beneficent in their effects, as they have been judiciously and advantageously directed to the benefit of the institution itself. Without alluding to any of the usurious expedients of the times, its resources have, I believe, been as faithfully and humanely directed to protect the property of the citizen, as patriotically to subserve the interests of the state.

From the aspect of the financial affairs of the state, as you will find presented in the comparative view, you will perceive the expediency of exercising the same rigid and judicious economy, in the disbursements of the revenue, which has hitherto prevented the necessity of increased taxation. Additional burthen, on the land and property of the people, should not be imposed in times of such great pressure and distress, except for objects of such primary necessity and importance, as affect the permanent weal and safety of the state, or any of the great principles of constitutional liberty. Improved as our revenue is, in comparison to the aspect presented at the last session, the treasury is still far from having obtained a redundant and overflowing condition. It will be found I trust however, adequate to meet all such necessary exigencies, as cannot be neglected without consequences more ruinous, than the most judicious and moderate economy and extravagance.

The condition of the public treasury, improvements effected at so much cost to the state—some of which

are still unfinished, others unprofitable, and many falling into decay—will demand your attention, either to abandon, repair, or otherwise dispose of them. The state or lease of many of them, under the supervision of commissioners appointed for the several communities in which they are located, at a price not less than the value, (as estimated by the comptroller or superintendent), would perhaps be one of the most efficacious and satisfactory modes, of relieving the state from further embarrassment and expense.

The improvement of the public road through Vance's swamp, and its great importance as a common, and I believe, the only channel of intercourse with Charleston, to more than three districts in this state, as well as a large portion of North Carolina, makes it highly desirable that the liberal appropriation already made to improve it, should not be utterly lost by the ruinous inconducive condition in which it now remains. More than twenty thousand dollars were expended by the state, in constructing the original road; from which it has derived neither benefit or improvement. Ten thousand dollars was afterwards received by a contractor, for erecting the skeleton of a bridge, which was afterwards rendered perishable and dangerous, was abandoned, and removed. Of the last appropriation of twenty thousand dollars, to embark the swamp, the contractor has received the first instalment, and after accomplishing a very considerable portion of the work, at the expiration of the term, has been compelled to abandon it, from the exhaustion of his resources, the influence of recurring freshets, and an inability to complete a contract so far exceeding the estimated cost and labor. The balance of the appropriation still remains in the treasury; and if diverted from the object contemplated by the legislature, will leave the state without a single corresponding benefit, to compensate for all the sacrifices of treasure, which have been so ruinously sustained, by both state and individuals.

No portion of the police or statistics of the state, is presumed to require more radical reform, than our system of road working. There is no object upon which so much labor and expense is so unprofitably bestowed, or so unequally contributed, by the different classes of society. Notwithstanding the annual impositions upon the time, labor, and purses of our citizens, the condition of our roads is far from manifesting a corresponding degree of improvement. It is less obvious, that much the greater portion of the burden of the present system devolves upon the people, is sustained almost exclusively by the agricultural interest. The labor or profits of the capitalists, or of the professions, (no matter how productive or enormous), are practically exempt from these assessments, which always recur, and which sometimes fall with much inconceivable force, upon the interests of the planter. Nor are the objections arising from principle, less cogent than those which are so amply illustrated, by the experience of its inefficiency and inequality. The sovereign power of taxing, even within a limited discretion, the property of the laboring people, as possessed by the board of commissioners now established in the several districts of the state, can never be safely or wisely reposed in any body of men, however virtuous or discreet, not elected by the people themselves, and wholly irresponsible to any of the penalties of the law, or even the consequences of impeachment, for any of the ordinary abuses of the system, as they are referred to the board of commissioners, are not only ministerial, but, to the extent to which they are vested, of a legislative character, and if they have not been hitherto abused, to the oppression of the citizen, it is because the forbearance and justice of the officers, have been more than sufficient to restrain, than the provisions of the law. If the power of the same character and extent, were conferred on a military, or any other tribunal, accompanied with the self-perpetuating prerogative of electing its own members, the liberties of the people, and the authority of the government, would be regarded as deeply endangered or subverted. I do not mean to exaggerate the effects of the present system are most to be deprecated, in the execrable condition of most of our high ways, or in the capricious, partial, and oppressive exercise, in numerous instances, of the most despotically abused of the present system of the state. If, therefore the present system be necessarily continued, from a supposed impracticability of devising any other, I would recommend that the appointment of the members of the several boards, should devolve upon the people, at the same time, and under the same restrictions, as appertain to the election of the members of the legislature. It cannot be inspired with a spirit and energy for usefulness, let it at least be shorn and divested of its power and tendency to evil. I cannot I trust too impressively invite your attention to a subject of so much practical importance; and while the improve-

ment of roads, as one of the indispensable means of advancing commerce, has justly been regarded as one of the ages of the world, as the evidence of increasing prosperity and civilization, the patriotic emulation which I am sure you are always ready to manifest promoting the public welfare, will direct your most sedulous exertion to the improvement of our own.

The revision of our criminal law. In many essential particulars, is required by the dictates of policy, as well as of humanity. The effects of time and circumstances, have produced so many modifications in the character of some crimes, that it is difficult, in some instances, to apply the law, and to enforce punishment. Where the penalty exceeds the sense of public justice, or where the feelings of commiseration for the culprit overpower the apprehension of consequences to the safety or interests of the community, neither the wisdom of the judiciary, nor the interest of the executive, can prevent a law from becoming obsolete as it is often. Of this class of cases may perhaps be enumerated some of the lesser grades of forgery, the punishment of which, as a capital offence has gradually been ameliorated, even by the policy of those nations, from whose commercial exigencies, they were originated. Some of our necessary laws have exceeded, in this instance, the inflictions of the divine law, and the enumerated offences to be expiated by death, it is hoped that the force of that necessity has gradually diminished under the influence of time and circumstances.

Trial of slaves for capital offences, in the ordinary summary mode of process, and in the midst of all those circumstances of excitement in which feelings of partiality or of prejudice are so apt to predominate, must be admitted to be capable of producing those perversions in the administration of justice, from which the rights of humanity and the principles of propriety should be protected. To limit the small circle of neighborhood communities, so easily swayed by passion or feeling, vindictive motives to the master, may sometimes conduce to the punishment of the slave, while the influence of a popular favorite, on the other hand, may be successfully exerted to extenuate the crime, and to mitigate the penalty. The result of my reflection and experience, therefore, induces me to reiterate the recommendation of one of my predecessors, to alter the mode of trial, to a jury of twelve freeholders, to be assembled at the court house; and the prosecution in all capital cases, to be defended, when practicable, to be conducted by counsel. The convenience of the public, as well as remote as some of them are from the seat of justice, may readily be accommodated by special provisions. If, in making this recommendation, I have said little to your more recent suggestions of some of the defects in this behalf, for a variety of reasons, entitled to your more serious consideration, as the result of the matured and accumulated experience of this department, in all its stages of occupancy and succession. The instances of awakened regret and contrition, on the part of many of these classes of criminals, as well of the interposition of executive clemency to modify or arrest their own hostile and often illegal convictions, are of frequent and ordinary occurrence.

The present mode of applying the free school fund has been productive of no benefit, to correspond with the most munificent of all the benefactions of our state government, to improve the moral condition of her citizens, and to secure the many good things which presents us with the result of a long period of our indigent citizens, who have grown up without the encouragement or the opportunity to participate in its advantages, but at the same time forces upon us the conviction, that these opportunities when enjoyed, have in many instances been accompanied by a state of mind, as well of the feelings, which is a source of perhaps more injuries, than the worst consequences of the most profound ignorance. While our grammar schools and literary seminaries have advanced and improved in proportion to the increasing intelligence of the age, and to the higher requirements of the church, and of the state, the common schools has depreciated in all the essential requisites of a sound and judicious course of education. Where are their beneficial effects to be witnessed, in any of their influences on society? Where are the monuments of their usefulness to be seen, in any new branch of agriculture, than to perpetuate the error? What signal example can be adduced, to illustrate a solitary instance of moral or intellectual reclamation, for the expenditure of more than thirty-six thousand dollars annually? Better would it be to leave the mind entirely to nature's influences, and heaven's mercies, than to perpetuate the error, and corrupt the heart, by a degraded and injudicious course of education. The result of so many years' experience, is enough to dissipate your hopes, in the present mode of applying the liberality of the

state; but not, I trust, to discourage your efforts to improve it. When the state assumes to become the guardian of the education of any portion of her citizens, the character of that education should be of a kind not inferior to the most useful and improved standard of tuition. I am inclined to the conviction, that if elevated to the condition of the highest order in each district, the grammar schools—one to be established in each district, and the other a course of instruction being chiefly directed to the acquisition of some of those scientific attainments so necessary to success in the useful and mechanic arts—and associated with a system of manual labor, to invigorate the body, as well as to enlighten the understanding—tended sphere of usefulness. But the present arrangement, in my view, to any radical reformation in the system, would be the appointment of a general superintendent, whose practical observation and experience, would furnish many valuable suggestions for the future action, as well as introduce in the meantime, salutary improvement in the present mode of instruction. If the expense of a salary should be thought to constitute an objection to this experiment, the amount necessary to compensate such an officer, might be beneficially abstracted from the treasury, and I have no doubt will be contributed to the economy, as well as to the effects arising from the distribution of the balance.

In pursuance of an act of the legislature, to carry into effect a treaty, to extinguish the title of the *Catawba Indians, to lands in the districts of York and Lancaster, and to purchase other territory for their residence and subsistence* an agent in whose intelligence and fidelity the greatest confidence is reposed by the proprietors and chiefs, was appointed by this department, with such specific instructions, as were deemed best comporting with the wise and benevolent views of the legislature. By the report of the agent, it is transmitted, that the same has perceived, that the objections urged by the executive of North Carolina, to the purchase of land in that state, precludes the possibility of gratifying the wish expressed by some of their chiefs, to unite their declining tribe with the remains of the Cherokee nation, now residing in that state. It is hoped, however, that the acquisition of other lands, within the limits of their own domain, may be advantageously made for them; and the faith of the state, as well as the exigency of this now homeless and landless people, requires that the necessary appropriation should be made during the present session, to comply with this important condition of the treaty. The same, in relation to their part conformed to all the stipulations and requirements of the law and the treaty, the taxes imposed by the legislature, having been received into the treasury—and the annuities which have hitherto been paid to the several nations of subsistence to the Indians, being accordingly ascertained, the fulfilment of the obligations assumed by the state, is now imperative, to relieve this improvident people, from a state of utter destitution, and dependence on the charity and benevolence of the community.

I regret to communicate to you the resignation of the late president of our college, whose sphere of usefulness, in that high and dignified station, has been occupied with such decided and distinguished benefit to the institution, and to the state. Under his wise and judicious control, its literary character has not only been more than fully sustained, both in the acquisition of his science, and in the conduct of the professors, but its morals have at the same time advanced to a state of purity and improvement, which it believed has never been surpassed, in the experience of this or any other seminary. Deeply regretting the loss, as well as the circumstances attending the resignation of his services, I can confidently hope that his character and example are so indelibly impressed upon the institution, and its successive generations of youth, that its lingering influences will continue to guide and actuate it, in the same honorable course of virtue and success. I accordingly, I trust, recommend to your consideration, and patronage, an institution, whose enlightened contributions have extended to every pursuit and avocation—every art and science, as cultivated in our state—and whose influences have been diffused through all the walks and vocations of life, occupying every station in society, pervading every profession, and adorning the bench, the bar, the pulpit, and our legislative councils. The moral weight and influence which South Carolina has so long exercised, through the talents and usefulness of her statesmen, on the affairs of this union, and which this institution has so long contributed to preserve, and to diffuse an overruling inducement to foster and improve it.

Encouragements to promote *agricultural improvements*, have never received that consideration which their importance merits, from the representatives of a people so entirely absorbed in the pursuit,

and dependent upon the success, of that branch of industry, as are the citizens of this state. It would not be so much a matter of surprise (if however impenitent it might be regarded) if its interests had been so entirely neglected and overlooked, by the government of a community purely fostered by commerce. But in South Carolina, it is admitted to be the great, the absorbing, and almost the only productive interest; and our daily experience proves, that it is the constant aspiration of every other employment, to rest its account, and to find its subsistence. In the economy of this state, it is the element of every other business and vocation. Its productions supply the traffic of the merchants, its requirements give employment to the professions; and its patriotism and industry contribute the larger portion of our revenue. Its interests, therefore, looks furnish ample evidence of a wise and provident regard to the state, as well as to promote, the interests of other classes and pursuits, by the limited partnerships, commercial regulations, and corporate privileges and franchises, which they have so liberally established. In the benefits of legislation either partial or indiscriminate, to advance its peculiar interests, it stands in contrast with the independent character of the agricultural community, to desire to participate. But in the development of the wealth of the state—in the improvement of objects common to the enterprise and the interests of all—its citizens reasonably solicit expect, the aid and patronage of our state government.

A geological survey of our mineral resources, (which chance and accident are every day so wonderfully developing), a scientific analysis of the different soils so important to their profitable and judicious culture, may be properly considered among the general and legitimate objects to which legislative encouragement should be directed. The beneficial influence of the productive corporations and other new investments of capital so usefully and successfully operating to promote the prosperity of the interior and every portion of the state, are illustrative of the policy of instituting scientific researches, to enlighten and stimulate their labor. In diversifying the pursuits of industry—in extracting, as well as diffusing, the permanent sources of wealth from the valuable ores and products of the earth—the have increased and multiplied the means of national prosperity, and have created the conveniences of society, distributed new employments and infused life, energy and enterprise, into the habits and character of our people. A small annual appropriation to establish premiums, promotive of the objects to which the state agricultural society has so patriotically devoted its efforts, would amply contribute to aid its laudable exertions to inspire the emulation, as well as to enlighten the experience, of our citizens. The beneficial influence of legislative patronage, in such instances, may be illustrated by the successful example of those states, by whose experience it has been tested, and while it must necessarily tend to dignify, as well as to encourage, the great and important interest, upon the success of which the prosperity of this state so mainly depends, it is at the same time exempt, in my view, from those objections which may reasonably be urged, on principle, to the practice of conferring privileges, protection, immunities, or franchises, on particular classes or associations of citizens.

The last but not the least interesting topic to which I would invite your attention, is the dilapidated and ruinous condition of our houses, and its appendages; the offices and government apartments, which are in a most cheerless and uncomfortable state of inconvenience and decay. Venerable for the purposes it has subserved—associated with the most important events, and the proudest recollections of the past—consacrated by the feelings of patriotism and of antiquity which it has often been the scene and the occasion, it is well worthy of the pride and fostering care of those, into whose guardianship it has now descended. The moral influence of a high state example, exercised in the wise economy of improving, as well as in the prudent protection of the people and of the state, and in the desire to perpetuate the honors of our ancient halls of our ancestors and predecessors, is practically more effective to fix the attachment of our citizens on our institutions, and to stimulate the enterprise and industry of the people to improve their individual efforts and resources, than all the speculative inducements, which either legislation or commerce can proffer. We should therefore regard the mouldering effects of time, upon the venerable walls of our capital, with the same sedulous care, and reverential solicitude, to remove them, as we would defend, and would up to the walls and foundations of law, and against encroachments on the sacred barriers that surround the sovereignty and independence of the state.

JOHN P. RICHARDSON.

EVOLUTIONARY HERO HAS DEPARTED. Mr. N., a worthy, industrious and highly esteemed of Anne Arundel county, Maryland, affliction which he sustained like a soldier, lay campaign on Sunday morning last, the 1st, in the 82d year of his age. He was born in 1760. At the most disastrous and of the American revolution, an orphan years, Davidson determined to risk his all his energies in defence of the liberties. He joined General Washington's army Maryland line just prior to, and was engaged in the battle of the Clouds.

White Plains. He assisted to kiddle cover of which the army under Washington from Trenton, where he was taken prisoner. He was within his grasp, and he placed the Americans quickly after, mostly retailed. After this he was with most at Elizabethtown, N. Jersey, which was surprised by the British, and he was taken prisoner. For eleven months and Davidson underwent the privations and inflicted upon "rebel prisoners,"—first in the camp, and afterwards in the prison, and he was the enemy as prisoners. The confinement was exceedingly rigorous, having been discovered in undermining the prison. Just as the party had completed their work, they were discovered and were prepared to escape, a traitor betrayed them to the eyes of Hessians were instantly sent for, to charge. When they arrived they found the hang, whether by his treachery or by the king's officers, was ascertaining.

Davidson was exchanged, and soon after again joined the army and was engaged in the battle of Monmouth, one of the severest fought in Maryland, one of the most bloody days in Maryland history to the charge, and in that battle he owed the preservation of his life to a friend on his right, whose superior skill in the use of the rifle enabled him to take the enemy in the second charge three of the enemy in the rear. From that to the close of the war, Davidson's services were such that the book of his fortunes and privations, and the fragments of his life, would fill a large volume. He was shot by a shell which exploded near him, but he did not die, and when a corps of chosen men were ordered to carry out the duty of burying him, he was found to be still alive. It is interesting to learn that service that his beloved comrade placed his hand upon Davidson's shoulder and said, "Well done my brave comrade," and that he was still in the old soldier's mind, occurring to the incident; "not to myself, but to my men engaged in the affair did our brave comrade give me the idea." It was the soldier's sense of complicity in it.

of Lafayette at Annapolis in 1825, Dr. ... of the warmest hearts that greeted the ... Claspings the hand of an old comman ... were superfluous—it was a moment for the ... nature.

[illegible]

ITION TICKET in New York, as will be seen, obtained at the recent election in that state. It is said that they hold the balance of the great political parties in eight of the 24 elect 24 members to the legislature.

TRAD AFRICANS. Thirty-five, all that survived, were brought to our shore in the Amistad, sailed on the 25th ult. for their native country, and accompanied by rev. Messrs. Steele and Mrs. Raymond, missionaries to Africa, and son and wife, teachers.

The United States Gazette says Mr. White, a white man, and his first mate, a colored man, the cook, Pietro Mezick, were arrested on a charge of the recent voyages from New Orleans to Cuba, with a cargo of stolen slaves. It appears that in concert with the late John Brown, they had smuggled the slave aboard at New Orleans, kept him during the passage, and on arriving

Delaware bay, aided his escape. The requisition of the governor of Louisiana having reached this city, the accused were placed on board the ship Hopewell, for New Orleans, to be taken to that city for trial. *U. S. Gaz.*

BANKS. The New Orleans banks have made a very rapid reduction of their circulation.

	<i>Circulation-</i>	<i>Specie.</i>
January 30, 1841,	\$8,254,171	\$3,406,094
October 30, 1841,	6,084,795	3,013,757

Reduction,	\$2,169,376	\$392,274
The deposits in the same time have been reduced \$1,778,411. They propose to resume specie payments on the 1st November, 1842.		

By the returns of the Tennessee banks, lately made to the legislature, the circulation amounts to \$1,923,495, and the specie in their vaults to \$615,675 21, being about three dollars in circulation, to one in specie.

The Albany Evening Journal says that although several of the safety fund banks of the state are struggling with the liabilities incurred years ago, "all and each of these banks are in a better condition than they were a year ago. They are, by prudence and economy, working out of their difficulties; and they would extricate themselves if they could be exempted from the assaults of party."

CENTENARY OF LUTHERISM. This year being the centenary of Lutherism in the United States, it will be generally observed throughout the church.

CHINESE COLLECTION. Nathan Dunn, with the Chinese collection, was to sail from New York on the 24th ult. in the packet ship Hendrick Hudson, Captain Morgan, for London. He goes to London to exhibit his collection, under the patronage of the crown, and with an order from the lords of the admiralty to pass duty free. It will be exhibited at Hyde Park corner, London, when the buildings now putting up, are ready for its reception. Some idea may be formed of its magnitude when it is known that the bulk of the establishment is four hundred tons.

COLONIZATION: The Maryland Colonization Journal says: "The sailing of the vessel for Cape Palmas has been postponed from the 1st to the 10th Dec. in consequence of the prospect of obtaining more emigrants from Charles and St. Mary's counties. It is hoped that the establishment of the Catholic mission at Cape Palmas will induce many of that persuasion who have heretofore desired to go but for leaving their church, will now be disposed to avail themselves of the present opportunity."

DEATH OF GOVERNOR BUCHANAN. The Gloucester Massachusetts Telegraph says—"We learn by a letter that his excellency Thomas Buchanan governor of Liberia, died at Bassa, September 3d, very much lamented."

The Journal of Commerce says: "Mr. Buchanan, in the discharge of his multitudinous and responsible duties as governor of Liberia, showed himself admirably qualified for the true statesman, an exhibitor of the highest qualities of true statesmanship. An officer of the United States navy, who dined with him on a certain occasion at Monrovia, in company with several other highly respectable Europeans and Americans, including some of the most distinguished statesmen of the country, who, while being the presence of a superior; and speaking of the guests *en masse*, he said Governor Buchanan was a head and shoulders above them all. On several occasions the deceased had opportunity to show his fearless and unflinching character, and his high sense of duty. He was as much of the same spirit into the minds of the colonists. Under his administration the colony has made great progress in every desirable respect. A gentleman, who knew him well, remarked that he would have done more than any other man in the colony could have done; he has died in the prime of life and in the midst of success; yet few men have accomplished more than he, for the welfare of mankind, and especially of Africa and her descendants. His name will be enrolled with that of the great benefactors of the world in the glorious cause of African civilization and civilization."

EGG MARKET. It has been ascertained that over half a million of eggs are consumed every month in New York. They are brought down the Erie canal in barrels, and New Jersey, and even Pennsylvania, supplies the Gothamites with this essential article of domestic utility. One woman in Fulton market recently sold 175,000 eggs in ten weeks—supplying the Astor house.

with 1,000 each day, but 2,500 on Saturday.
[*Philadelphia American.*]

GOLD IN A SOLID STATE ABSORBED BY COPPER. The process of melting gold and copper together, has been a common occurrence with goldsmiths ever since the days of Tubal Cain—that it would indeed be wonderful that a fact like the following, if it could occur, should have escaped detection until this day. Gold has been "tried in the fire" of alchemists in most of its ramifications. We insert the article however for what it is worth as we find it in the public papers:

"A workman was gilding a copper sword scabbard and had placed ten dollars worth of gold upon it, and was engaged in heating it. Suddenly, long before the copper had arrived at the melting conduct, the gold had disappeared. This excited some curiosity, and caused numerous experiments to be tried, all of which ended in establishing a new fact in science—the absorption of gold by copper in a solid state."

MRS. MADISON. The numerous friends of this respected lady will be glad to learn that she has arrived at her residence, in this city, from her seat in Virginia, intending to pass the winter here. It gives us pleasure to learn that she is in excellent health, which we trust she will long live to enjoy. [Nat. Int.]

MISSISSIPPI BONDS. The Vicksburg Sentinel (V. B.) thus notices the recent decision of that state with regard to state bonds:

"The people of Mississippi have repudiated the illegal bonds now held in the name of the state, by a band of stock gamblers in Europe, fraudulently obtained through the agency of Nicholas Biddle. This is only the commencement of that mighty *political, MORAL and SOCIAL* *revolution* commenced in this state, and which is destined, before many years, to sweep over Florida, Maryland, and Louisiana. Two years ago last September we announced the principle of repudiation, and now the people of a sovereign state have decided the question. We hope that engine of popular oppression—*borrowing on the faith of the state*—is at an end."

PHOTOGRAPHIC PLATES.—At a sitting of the "French academy of science," on the 18th of October last, a communication was read from M. Gaudin, descriptive of his method of preparing photographic plates of metal with the bromure of cadmium, instead of the chloride of silver, which he had used in his first experiments. It is singularly sensitive that perfect impressions could be taken, not instantaneously, but in a *quarter of a second!* He had thus succeeded in taking impressions of objects in the air, and had obtained, in the form of a photograph, a beautiful plate of the Pont Neuf, from M. Lerebours's balcony, with all the people, horses, and vehicles while in motion. He had also taken portraits in this manner, and had even obtained impressions of the face while the persons were speaking or smiling, was perfectly given. It was mentioned that the bromure of cadmium required great precautions in its preparation, bromine being a very violent and corrosive substance, and a single drop of it, falling or splashing on the eye of the preparer, causing blindness. One of the persons employed by M. Gaudin to prepare his plates had lost the sight of one eye by an accident of this kind not many days before.

STARVATION. The English papers state that the bill of mortality in London have been greatly increased this year by the absolute destitution of an immense number of families. Of 25,000 journeymen tailors, in that city 17,000 are entirely out of employment. The situation of journeymen printers, shoemakers and others, is equally deplorable.

STRENGTHS. The New York Courier des Etais Unis says there can be no question that the government of France has taken up in earnest the project of establishing, in a line of steamships between the principal maritime ports of that kingdom and of the United States, a mail service of the kind which the United States has. M. D'Arny, minister of the navy, has been sent hither by the minister of marine for the special purpose of investigating the actual state of the steamship service between the United States and Europe, and of studying the improvements that may be made. The visit of the Prince de Joinville itself has not been without reference to this object, as we judge from a paragraph in the *Journal des Debats* of the 10th inst. "The Prince de Joinville," it says, "has just arrived in New York, where he is already in progress for the purpose, of 1,300,000 horsepower, and engines of 600 horse power to be put on the war model, and to be used for transportation in peace, commanded by a French officer, who is expected to be here in readiness by the close of 1842."

VENICE is the name of a new town laid off on the Illinois shore at the landing of the Upper steam ferry boat company of St. Louis. The boats land, (on the Mississippi shore), within the city limits.

Washington. The statue of Washington (by the American sculptor Greenough) says the National Geographic, the 23rd issue was yesterday raised to its lofty pedestal in the centre of the great rotunda of the capitol, and is now uncovered to public view. The president of the United States, Mr. Grant, presided at the ceremony, which was attended with a large number of citizens, during the elevation of the statue. The operation was directed by the same energetic citizen who were employed to remove it from the navy yard, and the statue was placed in its new position without accident, and without the slightest injury to the statue. Pretending not to be judges of such things, we would not say that the great statue of Washington on this column of war art; but we must say that the work which it has impressed us with deep admiration. The attitude is dignified; the resemblance of the head and features to the original is perfect; the expression of the countenance is grandeur and repose which distinguished the countenance of the great original. As a whole, the work strikes us as worthy of the subject, and of the magnitude of the task, and which, for the statue of the nation is itself so noble a regalia.

THE WINNEBAGO INDIANS. A correspondent of the Galena Gazette, at Prairie du Chien, under date of November 4, writes that the commissioners appointed to treat with the Winnebagoes, to induce them to go further north, will not be able to accomplish their object. Some of the chiefs will not meet them. Those who have had a talk, say in plain terms they will hear no further propositions, as they do not want to move again.

THE PAST—THE PRESENT—FOR THE FUTURE.

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PRESIDENT'S MESSAGE.
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CHRONICLE.

FOREIGN ARTICLES.

The steamer Aecadia left Liverpool on the 19th ult. and arrived at Boston on the 7th inst.

The Columbia steamer had arrived out, making her run from Halifax in ten days and a half.

GREAT BRITAIN.

BIRTH OF A PRINCE OF WALES AND DUKE OF CORNWALL. All England was leaping with joy on the evening of the 9th November. The Park and Tower guns announced the joyous event, and gratulations rung through the realm.

Immediately after the birth of the child, says the Court Chronicle, "the sex of the royal infant was announced by Sir James Clark to the anxious group of distinguished personages assembled in the royal chamber, and subsequently to those collected in the ante-room, exciting in every bosom unspeakable emotion of joy and gratification. Prince Albert received the congratulations appropriate to the occasion with graceful ability."

The privy council being assembled as soon as possible at the council chamber, Whitehall, it was ordered, that a form of thanksgiving for the queen's safe delivery of a prince be prepared by his grace the archbishop of Canterbury, to be used in all churches and chapels throughout England and Wales, and the town of Berwick-upon-Tweed, on Sunday, the 14th of November, or the Sunday after the respective ministers shall receive the same.

It is worthy of historical record, that this is the only queen regent who has given birth to a male heir applicable to the British throne.

Bulletins were issued daily until the 18th, on which day it was announced the queen was convalescent.—The infant prince is as well as possible. Her majesty's recovery is so far advanced that no more bulletins will be issued.

The queen Dowager, was dangerously ill at her residence in Sudbury hall. The last bulletin dated 17th inst. was considered unfavorable.

Another attempt had been made by a crazy man, to break into Buckingham palace, insisting that the queen had cut off his brother's head, and he meant to have hers.

Sir Chas. Bagot, the new governor of Canada, left London on 12th November, to embark in H. M. ship Illustrious, for Quebec, we suppose, via Halifax.

TRADE. The accounts from the manufacturing districts continue to be of a very gloomy nature, nor is there at present any prospect of their being relieved.

[For corn, cotton, stock and specie items see this Chronicle page.]

IRELAND.

THE LORD MAYOR OF DUBLIN. The London correspondent of the Boston Morning Post furnishes the following:

At a recent repeat meeting, in acknowledging the receipt of a letter from Judge Doran from America, O'Connell said that one of the first letters he would despatch from the mayoralty house would be one in reply to Judge Doran's. The generous sympathy for the friends in America, O'Connell said overpowered him, and he wanted language to express his gratitude; they had received by the last post no less a sum than three hundred and fifty pounds, and it was not therefore surprising, that grateful thankfulness to America for her munificent contributions should be the prevailing sentiment throughout Ireland. O'Connell thus referred to the article in the Times respecting the plan to split the American union, attributed to Capt. Mayratt:

"He had read," he said, "with the deepest horror and disgust, a paragraph in the Times, in which the writer had the audacity to threaten the great American nation. He had the unpardonable impudence and audacity to strive to bully and terrify a people amounting in number to seventeen millions! What was this writer's object?—evidently to foment a war between the two countries. (Hear, hear.) It was a most traitorous document—injuries to the country, menacing blood and war—dangerous to the throne, and inimical to national liberty throughout the world. (Hear, hear.) Was the man insane enough to fancy that his paper thunder could terrify the noble American people? He might as well attempt to frighten soldiers with a porgon, or back a regiment of grenadiers with the squeaking of a child's penny trumpet. (Laughter and cheers.) There was a pride about republicanism—for the republican had no master—which was apt to be exaggerated, and to lead to irritation and excitement. This the Times knew well, and intended nothing but mischief in supporting the Tories by articles like that to which he referred."

Mr. O'Connell continued—
"Such articles would never meet with sympathy from Irishmen. (Cheers.) Irishmen would never enter into an insulting crusade against the Americans. They would continue to obey the law, and above all, they would hold a firm attitude of defiance towards that miscreant faction, the Tories, and their lying villainous and insulting organ, and show that the harmony between Britain and America could not be disturbed. Was it not enough, asked Mr. O'Connell, that the Tories had a preponderating influence in both houses, and controlled the queen—a power obtained by depriving the operatives of cheap bread; by giving the aristocrat two slices of the loaf without reserving a morsel for the poor man? Was England insane? Was her destruction coming on, and was that insanity indicative of her approaching dissolution? He hoped, however, that the queen might be saved, but he recollected the Roman proverb—

"Quem Deus vult perdere prius ducit avertit."

FRANCE.

The Paris papers are occupied almost exclusively with the affairs of Spain. The Siecle and Commerce announce positively that two French armies of 15,000 men are to assemble at Bayonne and Toulon, with a reserve of 14,000 men. It is piggan, with a reference to the letter of our correspondent that, although there has been no official announcement to this effect, the absence of all contradiction of the statement in the official journals would lead to the inference that something of the kind was intended. The army at Toulon was intended for a Spanish intervention, and an armed police to maintain peace in the city in which it is stationed.

The Paris papers contain a most gratifying account of the reception of the British ambassador, Lord Cowley, at the court of the queen.

The reading of the report of the committee of the commons of the king has commenced. Thirty-five persons are implicated in the conspiracy; but it is not expected that more than eight or ten will be brought to trial. They are all, with a single exception, of the working classes. In the trades to which they belong, the cabinet makers appear to out-number all

the rest. M. Dupotet, the editor of the Journal du Peuple, is the exception above referred to. Nearly all the conspirators appear to be persons of the lowest intelligence and influence, the readers of a villainous publication called the "Humanitaire." Consider, who was tried and acquitted in the affair of Darnes, is one of the number. He keeps a wine shop at Montmartre, which is much frequented by the Humanitarians and the Communists.

SPAIN.

The news from Spain is of little interest. Four of the officers capitally convicted of participation in the attack on the palace of the 7th ultimo, have been placed in prison preparatory to being shot. The news from Andalusia is satisfactory; the whole of that province remained tranquil. It was doubted if Espartero, who was on his way from Perpignan to Saragossa, would go to Barcelona.

TURKEY.

The Levant mail, which has arrived, brings us very little news of interest, if we except the fact communicated in letters from Constantinople, that Mehmet Ali had sent to the Sultan an additional sum of 5,000,000 piasters on account of the tribute. The old pacha seems particularly anxious just now to be upon the best possible terms with the Ottoman Porte; for, in a concluding, by all the means in his power, to court the smiles, and to win the approbation of the Sultan.

CHINA.

The arrival of the Ann McKim at New York brought Canton dates to 29th July. Overland despatches reached England and were brought out by Aecadia, as late as the 24th August, just 106 days. Nothing material appears to have transpired since our former dates.

The London Standard thus epitomizes the news by the overland mail:

The steamer (the Atlanta) which conveyed the mail from China to London was the least of the late plenipotentiary, capt. Elliot, and commodore Sir J. J. Gordon Bremer, who pursued their journey to England overland.

Sir Henry Pottinger, the new plenipotentiary, and Rear Admiral Parker, the new naval commander-in-chief, arrived at Macao on the 9th of August, and hastened to fulfil the respective duties assigned to them.

The first notification of the new plenipotentiary was published, along with his own commission from the British crown, in the Hong Kong Gazette three days afterwards. The former of these documents announces the determination on the part of Sir Henry Pottinger to pursue a firm and decided line of policy. He proposes to respect the existing treaty, provided it be not infringed in the slightest degree by the Chinese themselves, in which case he threatens them with an immediate renewal of hostilities; an event which, judging from the notorious perfidy and bad faith of the provincial authorities, he appears to contemplate. His notification is accompanied by a warning to her majesty's subjects, and all other foreigners, not to place themselves in the power of the Chinese authorities during the present anomalous and unsettled relations of the empire.

From the commission of Sir Henry Pottinger it appears that he is wholly independent plenipotentiary, and that he is altogether independent of the government of the British India government. A notification of Sir Henry's arrival and powers was dispatched to Canton immediately on his arrival, accompanied by a letter, the answer to which was required to be sent to a northern station, (Chusan, it is said.)

The refusal of Sir Henry Pottinger to treat with Kwong-chow, or to answer to Canton, or any other subordinate, and his directions to the fleet to move to the northward, appear to have had a salutary effect on the conduct of the Chinese, who have been suddenly metamorphosed from rude, insolent, and ill-bred savages into quiet, discreet, civil, behaved gentlemen. Character is reflected by the mere difference of All this has been effected by the mere difference of Sir Henry's arrival and powers was dispatched to Canton immediately on his arrival, accompanied by a letter, the answer to which was required to be sent to a northern station, (Chusan, it is said.) The refusal of Sir Henry Pottinger to treat with Kwong-chow, or to answer to Canton, or any other subordinate, and his directions to the fleet to move to the northward, appear to have had a salutary effect on the conduct of the Chinese, who have been suddenly metamorphosed from rude, insolent, and ill-bred savages into quiet, discreet, civil, behaved gentlemen. Character is reflected by the mere difference of All this has been effected by the mere difference of Sir Henry's arrival and powers was dispatched to Canton immediately on his arrival, accompanied by a letter, the answer to which was required to be sent to a northern station, (Chusan, it is said.)

So far, too, the truce appears to have been unbroken, and in the present aspect of affairs it does not seem likely to be infringed by the Chinese. Instead of running head-on at the beck of a rascally man, the new representative of her majesty has already declined to see one of the most important of the Chinese officials. They now begin to find out

with what sort of opponents they have to deal. The Canton treaty had reference solely to the southern provinces: the preparations of the fleet for proceeding to the northward have, accordingly, excited no little alarm, and large sums of money—no, some say 30 millions of dollars have been offered to Sir Henry Pottinger to induce him to alter his purpose. These overtures have been very properly rejected, the fleet, consisting of nine ships of war, four armed steamers, and twenty-two transports, sailed for Amoy on the 21st. The admiral having demanded more steamers for river operations, the British admiral, Sir George Elliot, has ordered the *Venemus*, left Bouslay on the 26th September. A strong force of seven ships of war and one steamer remain at Hong Kong and in Canton river, a force more than adequate to chastise the insolence of the southern provinces, should they attempt to repeat their former aggressions. In this state of things—no considerable time elapses before we can expect further news of a very decisive character.

INDIA.

The news from India is unimportant. That country continues, with the exception of occasional local broils, tolerably tranquil. From Scinde no news has been received to the British. The negotiations with Nuzzar Khan are also expected to terminate favorably.—Afghanistan, barring an occasional conflict between Shah Soojah's troops and the neighboring mountain tribes, is quiet. Letters from Adee, dated October 1840, state that a force of 400 men and a gun had proceeded inland and attacked a strong post of the Arals with effect. The boldness of this act appears to have led to conciliatory offers on the part of the sultan.

MEXICO.

The New Orleans Crescent says: Santa Anna had succeeded in placing himself *en scene* at the head of the Mexican affairs. A convention was called to reform the affairs of the country—and nine tenths of the members were men opposed to Bustamante and readily resolved to depose him, and elevate Santa Anna in his stead. On Sunday the 14th of Oct. he took the oath of office as president of the republic. It is presumed that Santa Anna, will acknowledge the independence of Texas.

TEXAS.

THE VICE PRESIDENT OF THE White Hall N. Y. Chronicle says: Shadrick Burleson, better known hereabouts as Shad. Burleson, is now vice president of the republic of Texas. He is well known in the Champagne as a bonan of 1834-5. He was engaged in building a boat at this place, about that time. By this together with irregular habits, and mis-calculations in business, he became embarrassed, took the *Sabine slide*—entered the Texan army—became colonel, and now vice president by over 2,000 majority! Shad, was a "go-ahead!" and a right sort of a Texan citizen we should think.

NATIONAL AFFAIRS.

TREASURY NOTES. *Treasury department, December 2, 1841.* Amount of treasury notes issued under the provisions of the acts of Congress, 1837, 1839, 1840 \$26,681,337 33
Redeemed of that amount 25,103,571 30

Leaving outstanding \$1,577,766 23
Issued under act of February 15, 1841, viz:
Prior to the 4th of March, 673,681 39
Since the 4th of March, 5,423,300 97
Making 6,096,982 29
Returned of that issue 445,890 68
Leaving outstanding 5,651,091 61

Making the aggregate outstanding 1st inst. \$7,228,857 84

W. FORWARD, *secy. of the treasury.*

NATIONAL AGRICULTURAL SOCIETY. A meeting of the friends of agriculture was held in the city of Washington lately, at which Solon Robinson, esq., presided, and J. F. Collins and John A. Smith, esq., were secretaries, when resolutions were adopted declaring that the interests of agriculture required the formation of a national agricultural society. A second meeting was held on the 8th, and a committee consisting of Messrs. J. M. Comeau of Virginia, J. H. French, of Massachusetts, and Dixon H. Lewis, of Alabama, was chosen to prepare a draught of a constitution to be presented for approbation to the convention. The meeting is to be res-sessible on the 13th instant.

DEATH OF A MEMBER OF CONGRESS. The Philadelphia United States Gazette states that the Hon. Henry Black, member of congress, elected in

the place of Mr. Ogles, from Somerset and Bedford counties in Pennsylvania, died recently at his residence in Somerset, of apoplexy. Judge Black was highly esteemed for his many virtues.

THE HON. DIXON H. LEWIS, of Alabama, an account of whose death was circulated in most of the public journals, and inserted in the last number of the *Register*, most agreeably and conclusively refuted the statement, by making his appearance in the house of representatives on Wednesday last, "as large as life," and in good health. Few men could be more cordially welcomed.

NORTHEAST BOUNDARY. A hoax has been played off upon one of the penny papers of Boston, giving an account of a battle between the British and Americans on the lines, in which thirty lives were lost. The accounts are received from the post up to the day of the reported affair. Major Graham has run his line 85 miles due north of the monument, which carries him six miles north of the St. John's.

TRADE AND COMMERCE.

IMPORTS AND EXPORTS. The official report of the secretary of the treasury of the commerce of the U. States for the year ending 30th September, 1840, comprises a large volume, which has been but recently completed and distributed, and from the pages of which numerous extracts have been inserted in several of the last numbers of the *Register*. This report varies in its aggregate slightly from the annual report of the secretary of the treasury as submitted at the commencement of the session of congress in December, 1840.

The report as now officially ascertained and published, shows the importations during the year ending Sept. 30, 1840, to have amounted to \$107,141,519 The amount estimated by Secretary Woodbury in his annual report to congress, December, 1840, for same period was 104,805,801

Difference in imports \$2,335,718
The amount of exports as now officially published is \$192,055,946
The amount as estimated in the treasury's annual report to congress in December, 1840, was 191,571,850

Difference in exports \$54,696
This correction proves that instead of the exports of the year ending Sept. 30, 1840, being the sum of \$26,766,059, as estimated by the secretary in his report of December, 1840, the exports are \$192,055,946
And the imports 107,141,519

The exports only exceeded the imports by the sum of \$84,944,427
The difference between the estimate submitted by the secretary of the treasury in his annual report, and the actual result as reported in detail in the volume alluded to, added to the delay in publishing the latter we suspect has led the editor of the New York Journal of Commerce into an error. An article appeared in that paper of last week, and has from there been extensively published in the public journals, in which the sum reported by the secretary in December, 1840, is taken as the true amount of imports and exports of that year, and the sum as corrected in the official report in the volume as now reported, is assumed as the amount of imports and exports for the year ending 30th September, 1841—and the aggregate of the two years thus paraded makes the formidable sum of \$51,710,436 balance in favor of this country. We should like to find a result going so considerably towards the relief of the American people. The estimates of the secretary of the treasury as to the imports and exports of the year 1841 will be given to congress we presume in a few days.

Meantime the following table will show that the particular causes may operate, as in the year 1840, and perhaps in 1841, to produce a balance in our favor, the balance but demonstrates the extent of ruin the suffering element of trade, to our country, has for a number of years has brought upon the country. We have been and are yet allowing foreign countries to restrict and interdict our articles at every point, tho' admitting every luxury from them, almost free of duty—affording them all the benefit of "free trade" in the United States. The restriction is truly confined to monopolies—"corn laws" and the exaction of over a thousand per cent upon our tobacco. This is the true cause of the difficulties under which this country is now prostrated. All attempts to cure the evil by forced expedients will fall for short of reaching the real seat of the disease. We must have a complete change of policy—those who trade with us we will have to suffer—and the measure of that suf-

fering will be invariably graduated by foreigners.— Whilst ever we can pay, they will furnish us with their gew-gaws to the very bottom of our purse, and leave us to fight about the rates of the domestic exchanges, which this weak and foolish policy has decreased for 200, and to search in vain for any other than a *disaster* currency, whilst they place a premium upon every piece of coin in the country.

Statement exhibiting the value of imports and exports, annually, from 1791 to 1841.

Years.	Imports.	Exports.	Excess of imports.	Excess of exports.
1791	\$92,000,000	\$19,012,041	\$82,987,959	
1792	31,500,000	20,743,093	10,756,907	
1793	31,100,000	26,109,572	4,990,428	
1794	4,600,000	1,500,000	3,100,000	
1795	69,756,268	47,959,472	21,796,796	
1796	41,376,164	67,061,097	18,684,932	
1797	75,739,405	56,580,206	19,159,200	
1798	63,571,000	61,927,097	7,064,903	
1799	79,098,000	78,860,000	238,000	
1800	91,232,768	70,971,780	20,260,988	
1801	111,363,511	94,115,925	17,247,586	
1802	76,333,333	73,184,160	3,149,173	
1803	64,066,666	62,660,000	1,406,666	
1804	85,000,000	77,099,074	7,900,926	
1805	120,000,000	95,665,021	24,334,979	
1806	129,600,000	101,536,963	28,063,037	
1807	138,000,000	106,666,350	31,333,650	
1808	56,960,000	22,340,960	34,619,040	
1809	39,460,000	2,202,701	37,257,299	
1810	85,400,000	66,757,971	18,642,029	
1811	58,000,000	61,300,000	3,300,000	
1812	77,020,000	38,527,236	38,502,764	
1813	22,005,000	27,355,997	5,350,997	
1814	12,965,000	6,927,441	6,037,559	
1815	112,041,374	123,881,132	11,839,758	
1816	147,103,000	91,820,432	55,282,568	
1817	99,320,000	87,671,569	11,648,431	
1818	121,750,000	93,281,132	28,468,868	
1819	87,125,000	70,142,321	16,982,679	
1820	78,000,000	82,866,631	4,866,631	
1821	62,585,724	64,974,332	2,388,608	
1822	83,241,541	72,160,281	11,081,260	
1823	77,579,267	74,696,000	2,883,267	
1824	89,499,824	82,866,631	6,633,193	
1825	96,340,075	90,535,348	5,804,727	
1826	84,974,477	77,535,332	7,439,145	
1827	79,484,068	82,831,827	3,347,759	
1828	88,499,824	82,866,631	5,633,193	
1829	74,492,827	72,938,671	1,554,156	
1830	70,876,920	73,849,598	2,972,678	
1831	103,191,124	81,310,583	21,880,541	
1832	102,029,265	87,176,943	14,852,322	
1833	105,182,000	90,140,482	15,041,518	
1834	136,321,321	103,366,973	32,954,348	
1835	119,895,772	121,494,577	1,598,805	
1836	189,950,000	125,665,000	64,285,000	
1837	197,141,519	125,665,000	71,476,519	
1838	137,147,040	108,486,616	28,660,424	
1839	162,092,132	121,063,716	41,028,416	
1840	107,141,519	132,083,946	24,942,427	

System of trade by aggregate sales. Here are the actual proceeds of our existing system as operating for fifty years. The exports exceeded the imports in only seven out of the fifty. Excluding the year 1840, and the total amount of the excess in the other six of those years was but twenty-five millions—with that year the excess of exports was altogether \$50,107,573 whilst the excess of imports during the remaining forty-four of the fifty years is \$803,428,630! In the whole fifty years the excess of imports over exports is seven hundred and fifty-three millions three hundred and nineteen thousand, three hundred and fifty-seven dollars—being an average of fifteen millions of dollars! What other nation on earth has suffered so much from the trade system as the period since the enactment of the compromise bill and the progressive reduction of the tariff thereunder, up to 1839 inclusive, and the average excess of imports was nearly thirty millions annually. This was continued until our resources and credit both failed, and disaster is upon us.

COLUMBIA RIVER. The *Bogor Wing* publishes the following extract from a letter received by a friend, dated Hououlun, Sandwich Islands, May 6, 1841:—
"Our latest dates from the United States are May 1841, giving an account of the death of Gen. Harrison. The United States ship *Peacock*, and schooner *Flying Fish* were here in June last, on their way to Columbia river, two months behind their time. The *Vineueus* and *Porpoise* arrived at the Columbia river in May last. Capt. Wilkes has highly flattering descriptions of the country—he will make a thorough survey of it before he quits it. I hope Capt. Wilkes' official report will open the eyes of Uncle Sam to his interest on our northwest coast. Great Britain has held and still holds, through the agency of the Hudson's Bay company, exclusive jurisdiction of the beautiful country, the great wealth, and the trade of the country to the contrary notwithstanding.

"Several Americans of enterprise have attempted a settlement in the country, but they have been checked by oppressive monopoly, until they were fairly starved out, and obliged to return. The charter of the Hudson Bay company has recently been renewed with an additional grant of two millions pounds sterling intended expressly for the settlement of the disputed territory. And they are now erecting temporary buildings on every valuable lot of land and mill-site in the country. Capt. Wilkes says the harbor at Pagot sound, is the finest he ever anchored in, in any part of the world. We have an almost incalculable amount of commerce in the Pacific, and yet allow John Bull quiet and undisturbed possession of the only harbor that belongs to this side of Cape Horn. You are aware that they have already taken possession of New Zealand, and broken up and excluded our fishermen from those seas—they have taken possession of the Falkland Islands (which affords an excellent harbor) and forbidden our vessels cruising for whales within three leagues of the land."

"The 'stars and stripes' are set at half mast this day, over our roof, on account of the intelligence received of the death of General Harrison."

INDIANS. THE CATAWBAS. According to the report of the Indian Agent laid before our legislature at the present session, this tribe of the only Indians now inhabiting South Carolina, has dwindled to 51 individuals, of whom 6 only are men, the rest being women and children. The agent proposes that a tract of 500 acres of land in York District be bought for them, and presumes that from their idle habits, they will not cultivate of the same more than 75 acres. The proposed tract borders on extensive forests; is well adapted to the culture of grain; and can be purchased for 4 dollars per acre. *Ch. Cour.*

THE WYANDOTS. Negotiations have been in progress with the Wyandots for some months past for the sale of all their lands in Ohio to the United States, and then to emigrate to the west. By a vote of the male portion of the tribe, assembled by their chiefs and council, on the 22d of Nov. it was determined, without a division, to authorise the chiefs to enter into a treaty of cession and removal.

The tribe decided, however, by a majority of two votes, that the sum offered by the United States commissioner was too small. Colonel John Johnston, the United States commissioner, in a communication to the State Journal remarks—"thus it is virtually settled that the last tribe of the natives within the territory of Ohio, will soon be prepared to leave us, and take up their residence near to their former friends, the Shawnees and Delawares, southwest of Miami."

The Wyandots hold some of the fairest section of our state in the vicinity of Upper Sandusky, are mostly civilized, and elect their chiefs annually. The discussion on the subject of the proposed treaty was conducted with frankness and fairness, and with perfect good feeling. *[Cleveland Herald.]*

THE ARMY.

GENERAL ORDERS, No. 71.

Head quarters of the army, adj't gen's office.

Washington, Nov. 18, 1841.

The following addition to the general regulations for the army, received from the secretary of war, is published for the government of the army.

ARTICLE XLIII, paragraph 237. "But such detail must always be made by the officer appointing the court, and in no case can the authority to supply vacancies in a court martial be delegated to any other officer."

Department of war, Nov. 16, 1841.

By command of Maj. Gen. Scott.

R. JONES, adj't gen.

GENERAL ORDERS, No. 74.

Head quarters of the army, adj't gen's office.

Washington, Nov. 29, 1841.

The following regulation, received from the secretary of war, is published for the government of the army.

"The bureau denominated 'the clothing bureau,' attached to the war department, is abolished, and the duties conducted by the officer in charge since it was established, are transferred to the quartermaster's department. See ARTICLE LXXIII, army regulations."

"After the 30th of November, all estimates for clothing and camp equipage will be made to the quartermaster general."

Department of war, Nov. 27, 1841.

By command of Maj. Gen. Scott.

R. JONES, adj't gen.

TOPOGRAPHICAL ENGINEERS. Captains A. Canfield and G. W. Hughes, and lieutenant R. M. McLane have returned from their visits to Europe.

Capt. C. Graham, under orders for a military reconnaissance, in the vicinity of New Orleans. Lieuts. J. E. Blake, and A. W. Whipple, ordered as assistants to Capt. Graham.

Capt. G. W. Hingles, ordered on survey in Louisiana. Lieutenants L. Stigreeves, I. W. Woodruff, and R. M. McLane, ordered as assistants to Captain Hingles.

ORDNANCE DEPARTMENT. Capt. E. Harding, ordered to command of Allegheny arsenal. Cap. J. Williamson, to command of Charleston depot.

Lieut. G. H. Taleott, to command of Augusta, Ga. arsenal.

Lieut. J. M. Morgan, to command of Mount Vernon, Ala. arsenal.

Lieut. A. B. Dyer, to Watervliet arsenal.

[J. & A. Chron.]

LATE FLORIDA NEWS has been received at Savannah, Ga. Black Haulin who was sent recently into the interior to confer with his band, had returned to Pitaka, bringing with him 17 warriors. At Tampa the balance of Neathucke Enathla's and of Tigitari's people were coming in slowly. They were much scattered and could not be found by the runners with-out much trouble.

A letter from Indian Key, in the Norfolk Herald of Saturday, dated the 12th announces the sailing of the great expedition through the everglades, the schooners at Indian Key were to join on the 15th, at Fort Dallas. Dr. E. McKinley of the schooner Otsego, had died of congestive fever.

FORT MIFLIN. The troops ordered to garrison Fort Miflin, have arrived at their quarters. They number in all, including the staff, seventy men. The officers and their families have taken up their abode in the fort, which has since assumed quite a cheerful aspect.

THE NAVY.

COURT MARTIAL. We learn from the Army and Navy Chronicle, that the court martial to meet at Philadelphia on the 13th inst. for the trial of Capt. Bolton, and such other officers as may be brought before it, consists of commodore Jacob Jones, president. Commodores John Downes, Henry E. Hall, and E. E. Kennedy, John B. Nicholson, W. B. Shubrick and Capt. Daniel Turner, members. Charles H. Winder, esq. of Baltimore, judge advocate.

HOME SQUADRON: Active preparations are in progress for getting this squadron ready for sea. Commodore Stewart will hoist his broad pendant on board the Independence. By reference to our navy head, it will be seen that captain F. A. Parker has been ordered to the command of the frigate Columbia, and captain J. Gallagher to the command of the razer Independence. Several other officers have also been ordered to the different vessels, but we prefer waiting, as usual, until the lists are complete, before we publish them. No commanders for the steam ships have yet been designated.

[Army & Navy Chron. Dec. 2.]

The Army and Navy Chronicle states that it is in contemplation to increase the number of naval rendezvous. Portland, Me. will be one; commander J. S. Paine has been ordered thither as recruiting officer, and the brig Consort, under the command of Lieut. A. Lewis, will be employed as receiving vessel. New Orleans will be another. The ship Ontario will be sent thither.

STATES OF THE UNION.

A NEW STATE PROPOSED.

A communication has appeared in the National Intelligencer, over the signature of "A Member of Congress," proposing to divide the state of Tennessee into two states. The writer says he only wanted an opportunity to urge it upon congress, but prefers that the proposition should originate with the legislature of Tennessee. He proposes to call the new state "FRANKLAND."

NEW YORK.

THE SAFETY FUND.

From the Albany Evening Journal.

Comptroller's office, Albany, 24th Nov. 1841.

THROWLED WEBER, ESQ.

DEAR SIR: In answer to numerous enquiries in relation to the redemption of the bills of the Bank of Buffalo and Commercial bank of Buffalo, I send you for publication a statement showing the situation of the safety fund, and the provision of the laws appertaining to the subject. Very respectfully, your obedient servant, JOHN A. COLLIER.

Comptroller's office, Albany, 25th Nov. 1841.

Statement of the situation of the safety fund:

The amount of the capital remaining	
30th September, 1841	\$485,487 90
The advances from the treasury since that time to redeem safety fund bank notes	106,031 00
Balance of safety fund 24th Nov. 1841	\$379,456 00
Under the provisions of the act of 26th May, 1841, the comptroller has given notice to the safety fund banks, that they will be required to pay 1 per cent. upon their capital, on the first day of January next, which would produce	158,776 24
And there will be due from several banks who have not yet paid their original contribution of 3 per cent. on first January next	31,175 00

Which would make the whole amount of safety fund \$569,408 23
From which is to be deducted the 1 per cent. of the Bank of Buffalo, and Commercial bank of Buffalo, since suspended

3,000 00

Leaving the balance, 1st January, 1842 \$566,408 23

The comptroller has no authority to redeem the bills of a suspended bank until the chancellor makes the order required by the act of 8th of May, 1837, which provides that:

"It shall be lawful for the chancellor upon the certificate of one or more of the bank commissioners that the amount of the debts of such banking corporation, over and above its property and effects, will not exceed two-thirds of the amount of the bank fund then paid in and invested, exclusive of all prior establishments of the bank, to make an order upon the comptroller authorising him to take such measures as he may deem necessary for the immediate payment of the ordinary bank bills or notes of such banking corporation then in circulation, out of the bank fund then paid in and invested."

Upon filing a certified copy of the chancellor's order, under the seal of the office, and before the comptroller is authorised to make provision for the redemption of the bills, nor is there any authority, without such prior order, to receive the bills of a suspended bank in payment for bills, or other indebtedness at the treasury, which of course would be virtually redeeming them from the treasury, and make an order upon the comptroller authorising him to take such measures as he may deem necessary for the immediate payment of the ordinary bank bills or notes of such banking corporation then in circulation, out of the bank fund then paid in and invested."

In relation to the recent failures of the Bank of Buffalo and the Commercial bank of Buffalo, the bank commissioners were not able to give the required certificate, and the chancellor could therefore, make no order upon the comptroller, authorising him to redeem.

The safety fund, as the law now stands, is only to be replenished by the annual contribution of the banks of one-half per cent. upon their capital; and unless further legislative provision is made, the bills of the above banks cannot be redeemed from the safety fund, until the annual contributions so far replenish the fund as to enable the bank commissioners to give the required certificate to the chancellor, and he shall make the order.

JOHN A. COLLIER, comptroller.

PENNSYLVANIA.

THE INTEREST ON OUR DEBT. We have seen a letter from a high source at Harrisburg, which says—"It gives me pleasure to state the interest on our public debt, due Feb. 1, will be promptly paid without recourse to loans. The balance in the treasury this day, (Nov. 30), is \$1,109,922; of which the sum of at least \$750,900 is available. The two heaviest masses of the receipts are yet to come before interest is payable, and the receipts for said months, I think may be safely estimated at from \$400,000 to \$500,000. I am therefore of opinion, that the resources of the treasury will not only be sufficient to pay the interest, but that all the ordinary demands of our government will be likewise met."

But as guard against contingencies that might occur to injure the present prospect, the governor has made requisition upon the banks under the resolution of May 5, to make up any deficit, if such there should be. Under all these circumstances, there cannot for a moment remain a doubt as to the interest being punctually paid. *[Birdsall's Rep.]*

VIRGINIA.

The legislature of this state met on Monday, and was organized by the re-election, without opposition, of John W. Nash, as speaker of the senate, and W. V. Southall, (whip), speaker of the house of delegates; the latter guard against having been chosen by a majority of free votes over Joel Holliman, (opposition).

There was a remarkably full attendance of the members of the house, belonging to the house of delegates, only five of whom were absent—two whigs and three Van Buren men.

SOUTH CAROLINA.

The hon. Richard Gantt, long known as law judge of this state, on the 30th inst. received a handsome letter from the legislature of the state, tendered his resignation of that office, which was accepted. In addition to some highly complimentary resolutions, one year's salary (\$3,500) was appropriated for his use, to be paid him at the adjournment of the legislature.

ALABAMA.

LEGISLATURE. The paragraph which was extracted from a Pittsburg paper into our last number, stating that the legislature of this state had adjourned, proves to be incorrect.

ELECTION OF A UNITED STATES SENATOR. The Tuscaloosa flag of the Union, the 24th ult. says: "We stop the press to announce the result of the election to-day, the election being held on the 23d inst. United States senator, to fill the vacancy occasioned by the resignation of Governor Clay."

MISSISSIPPI.

GOVERNOR MCNUTT, THE ELECTION AND THE STATE BONDS. Governor McNutt addressed the following letter to the editor of the Richmond Enquirer, accompanied with copies of his letter to the European bankers, Hope & Co. which correspondence may be found on page 388 of the National Register, vol. X. Jackson, (Miss.) Nov. 10, 1841.

To the editors of the Richmond Enquirer:

Sir. The election for state and county officers took place in this state on the first and second days of this month. The result is known here, and all the counties have been heard from except six. The anti-bond ticket has succeeded by an average majority near three thousand votes. Tilghman M. Tucker is elected governor; William McKendree, Gwin and Jacob Thompson representatives in congress; Augustus B. Saunders auditor of public accounts; Richard S. Graves, state treasurer; and John D. Freeman, attorney general. These gentlemen are all democrats. We have probably lost our secretary of state by running two candidates, (Woodwards and Williams.)

The legislature will consist of twenty-one or twenty-two anti-bondmen in the senate; and from fifty-eight to sixty-two representatives in the house. The bondmen will have from ten to eleven senators, and from thirty-six to forty representatives. It is quite certain that the anti-bondmen will have a majority of two-thirds in each branch of the legislature. This result will astonish many persons abroad, who are ignorant of the grounds on which the state rests the payment of the five millions of dollars in state bonds delivered to the Mississippi Union Bank, and negotiated by that institution. I send you a copy of my letter to Hope & Co. and request you to publish the same in the Enquirer. Our Senator, Robert J. Walker, and our representatives, Gwin and Thompson, sustain me in the positions I have taken. A demand will probably be made on the government of the United States for the payment of the bonds referred to. This will raise an exciting and perplexing question. The state has defined her position, and I will maintain it, be the consequences what they may. I firmly believe that five-fourths of the people of this state prefer going to war to paying the bonds.

The whig candidates for governor and members of the legislature generally pledged themselves to oppose any bill intended to tax the people, to pay either the principal or interest of those bonds. But for this and national politics, the state would have been almost unanimous in opposing the payment of the bonds.

The Mississippi Union Bank is hopelessly insolvent, and has made an assignment of all her effects to her president, (Elliot), cashier, (Clopton), and attorney, (Scott). This was done for the benefit of all her creditors, and to save the wreck of her fortunes. Her assets were in the federal court for about \$300,000. Her circulation is near two millions two hundred thousand dollars. She gives each assignee \$1,000 per annum, in specie or its equivalent. With good management, her circulation may eventually be paid. The whole stock is sunk. Her paper is now selling at thirty-five cents to the dollar.

I have been a subscriber to your paper for more than twenty years. I am a native of Virginia. I am not now, nor never have been, a stockholder or debtor of the Mississippi Union Bank. I never requested it to loan money to myself or friends. As senator I voted against its charter, and have always opposed pledging the faith of the state for banking purposes. At the risk of my life and political aspirations I prevented

the sale of ten and a half millions of bonds authorized by the act signed by Gwin to the Union Bank. I TRUE. I SIGNED AS GOVERNOR THE CHARTER OF THE BANK. I DID SO IN OBEDIENCE TO THE PUBLIC WILL. I WARNED the people of the evil consequences of engaging the state as security for reckless speculators. The action of this state, I earnestly hope, will forever destroy the ruinous system of borrowing money abroad to be wasted in banking and visionary systems of internal improvement. Yours, truly,

A. G. MCNUTT.

ELECTION. Parties in the legislature it is said will stand.

	Senate.	House.	Total.
Van Buren	21	61	82
Whigs	10	41	51

Majorities, 11 20 31

All of the Van Buren, and it is said three of the whigs are against paying state bonds.

TENNESSEE.

SENATORS. The Nashville Banner of the 23d ult. states that Mr. Speaker Turvey announced in the senate of Tennessee, on the previous day, his determination to bring on the senatorial election, and moved to take up his resolution to elect a senator to congress for six years; but at the request of gentlemen, who remarked that several senators were not in their seats, Turvey moved to lay on the table for one day. He said he might disappoint his political friends in the senate by taking this step; but he represented a whig district; his constituents had been kind to him—and besides, he believed it was right to bring on the election. He also introduced a bill, providing that the two houses should hereafter meet in convention—as they have always hitherto—by resolution—to elect senators to congress, whenever such elections are to be had.

OHIO.

CINCINNATI PUBLIC SCHOOLS. The trustees and visitors made reports in 1830, '33, '34, '36, and in June annually, for 1838, '39 and '40. And the same for 1841.

Tuition fund. Receipts were \$2,716 17 of which \$4,501 75 was the balance left of the preceding year.

\$1247 90 was received from the city, \$4,452 20 was in taxes for 1840, and \$4,500 00 was the city's proportion of \$200,000 appropriated to school purposes by the state. The expenditures for the same period amounted to \$20,175 13, leaving a balance in the treasury June 30th, 1841, of \$8,571 04.

Building fund. Balance of preceding year \$8,238 11, receipts \$7,026 13, total \$15,264 24. Expenditures \$8,493 71, leaving balance in treasury of \$6,770 53.

The annual abstract of the schools for the present year shows that there are of male teachers 20; female teachers 49; total teachers 69. Number of pupils enrolled 6,681; pupils withdrawn 2,593; pupils remaining 3,488; pupils in daily attendance 2,711.

The number of male and female pupils attending the schools is about equally divided.

The schools are so organized that the pupils of each sex are generally taught in separate apartments.

They also have their respective play grounds, which are divided by substantial walls or fences.

Statement of moneys received for tuition purposes from 1829 to 1840, showing the amount received for each year, the amount expended, and the balance remaining at the close of each year; also the number of teachers employed, and the number of pupils enrolled each year.

Years.	Received.	Expended.	Balance remaining.	Number of teachers.	No. pupils enrolled.
1829	\$10,391 40 (including balance of 1828.)	\$5,590 32	\$5,401 08		
1830	7,167 63	8,115 92	4,453 20	22	2103
1831	8,067 07	8,111 09	4,502 88	25	2300
1832	9,969 28	7,778 71	4,552 55	28	2250
1833	10,116 85	8,580 88	5,118 51	29	2300
1834	9,932 68	9,449 78	6,601 41	30	2300
1835	11,582 70	12,761 74	5,432 37	43	3400
1836	15,098 35	17,706 22	2,814 50	44	3450
1837	16,413 62	18,391 29	296 33	47	3600
1838	24,352 47	22,003 99	2,485 31	55	2000
1839	22,812 92	20,797 21	4,501 67	61	4480
1840	25,245 10	20,175 13	9,571 04	63	6121
1841				63	6082

*\$1,217 24 of this sum was used this year for other city purposes, and returned by the city—which is included in the amount of 1840.

Prior to 1834, pupils were received at 4 years of age; since that time, from 4 to 6 years of age. By this change in the law, many pupils were excluded from the schools that year, who had previously been enrolled before.

The board of examiners and inspectors of common schools report that the close of the annual examinations, in which the schools have removed all doubt as to their actual condition, and have attained a state that may have been felt for their future prospects.—The state of the times—necessary changes of teachers, either by the introduction of new ones, or the transfer of old ones to new locations—the unusual falling off of pupils of older classes from causes unconnected with the schools, as well as the want of regularity of attendance of those remaining—all these facts had prepared the board of examiners to anticipate a decided falling back from the high standard which the schools have hitherto maintained. The board are gratified, however, to be able to say, that their apprehensions in this respect, have been most agreeably disappointed—that the children, on the whole, never appeared better—the teachers never more earnest; nor both, in better apparent spirit to realize all that a sound philanthropy could expect from these most interesting and important institutions of the public bounty.

There are several matters, however, in the economy of the schools which, in the progress of the examination, have attracted the attention of the board, and upon which they would offer a few suggestions.

1st. Teachers should be transferred from old to new rooms, only in cases of the clearest necessity.

2d. In some of the rooms, indeed in all of them, to a certain degree, the system of ventilation is imperfect.

3d. Four hours' confinement, at one session, is, in the opinion of the examiners, entirely and even worse than unwise, positively hurtful, if not cruel. The number of hours should be less thought about, than the exact time that should be found, by experience, to be best adapted to the cheerfulness, as well as fullest, development of the capacities of children, in given courses of study and at given ages.

4th. The number of pupils to a teacher is entirely too great in many of the rooms.

5th. Discipline is quite too imperfect in regard to regularity of attendance, or statedness, in this particular, there seems to be no discipline at all.

6th. The examiners cannot estimate too highly the importance of periodical examinations.

7th. The attention of the public, especially of parents, is, as the examiners conceive, of the greatest importance to the examining and to the schools. Their countenance is expected, and their aid demanded.

8th. The examiners could with no propriety discriminate in their estimation of the schools. It is sufficient for their present purpose, without pledging themselves to any rule for the future in this regard, that no school has fallen behind just expectation whether it be a German or a native school. They, however, feel that they do no violence to the principle of non-discrimination, when they mention with particular and deep interest the signal success of the schools for the benefit our German population. The provision for these schools has been singularly wise; not wiser, however, than the election of teachers has been. They have been selected for their talent and patriotic purpose, of raising up, in our midst, a people of singular capacity and hope, to aid a true American population, as a part of it, in developing and sustaining the great principles of republican liberty. Our German friends, in this respect, are entitled to our warmest greetings and our deepest sympathies. They are to be assisted, and their efforts are to be for them, to accommodate themselves to institutions, which we shall hope, may be unchangeable, unless for the better, in all coming time; and for us, to bid them God speed, in that progress of intelligence in our literature, our customs and peculiar politics, that shall make them one with us in the great work of moral growth, political advancement, and true Christian civilization.

The standing committee on common schools, from the city council, report that in pursuance of the act of the state, passed March 19, 1841, the trustees and visitors have, during the last year, established two German English schools, with live teachers. In devising a system of instruction, and in the management and conducting these schools, the trustees have encountered many difficulties. The undertaking being entirely new, it is natural to suppose that embarrassments would present themselves in adopting a system on which these schools should be established and permanently conducted. The plans adopted and hitherto pursued, are considered by the trustees to be the best, more than as a system to be permanently adhered to. In these we find nothing to condemn and much to approve; and we are of opinion, that the trustees are pursuing the right course in order to discover the best

method of carrying into effect the designs of the legislature.

The trustees have also, in pursuance of the provisions of said law, established three evening schools during the past year. These schools are designed for the special benefit of young men, over twelve years of age, who, by their occupations through the day, are debarred the privilege of attending the day schools. It is painful to learn, that these schools have to a great extent failed of accomplishing the benevolent designs which led to their establishment. The young persons, for whose benefit they were established, have generally neglected to attend them; and the committee unite with the trustees in recommending, that the evening schools be hereafter confined to the winter season, when the evenings are longer, and the labors of the day generally less fatiguing than at other seasons. They would also strongly recommend that an appeal be made to such young men, and also to their parents and guardians, urging them to avail themselves of these opportunities for improvement, generally, and for the last time, before entering upon the active duties of life.

The city is divided into 14 school districts.

THE MUSKINGUM IMPROVEMENTS. The Zanesville papers will notice the completion of the improvements on the Muskingum river. Steamboats have been plying for several days from Zanesville to Marietta and Pittsburgh, and the Gazette states the departure of the Muskingum for Cincinnati.

COLORADO CONVENTION AND COLONY PROPOSED. On the 23d October, a meeting of colored persons met at Warren, Trumbull county, Ohio, at which it was resolved that the interest of colored persons would be promoted by forming a settlement at some point where land is cheap, and the laws not oppressive. It was also recommended that a convention of colored persons from Ohio and the adjoining states be held at Massillon on the 1st day of December next, to consult on the subject.

INDIANA.

PUBLIC DEBT. The Louisville Journal gives an interesting account of the financial condition of Indiana, which we have condensed below.

The public debt of this state exceeds \$14,000,000 and it was contracted as follows:

1832, for the Wabash and Erie canal	\$100,000 00
1834, for the stock to subscribe for state bank	500,000 00
1835, for the Wabash and Erie canal	605,257 42
1836, for the state bank	390,000 00
1836, for the Wabash and Erie canal	241,742 58
1836, for the general internal improvement system	850,000 00
1836, for the Lawrenceburg and Indianapolis rail road company	100,000 00
1837, for the Wabash and Erie canal	390,000 00
1837, for the general internal improvement system	1,650,000 00
1837, for the Lawrenceburg and Indiana rail road company	121,000 00
1838, for the general internal improvement system	1,800,000 00
1839, for the Wabash and Erie canal	400,000 00
1839, for the general internal improvement system	1,632,000 00
1839, for the state bank	1,000,000 00
1839, for the state bank, instead of fourth instalment of surplus revenue, which was to have been invested in state bank stock	294,000 00
1839, for the Indianapolis and Madison real road company	455,000 00
1840, for the amount advanced by the state bank on the public works	629,453 00
1841, for the treasury notes issued to contractors of public works	1,500,000 00
Making	\$13,148,453 00

to which must be added the bonds hypothecated last winter for money to pay the January interest, and forfeited, also the July interest which is unpaid, and the interest on treasury notes, and the total is more than \$15,000,000, exclusive of the three instalments of surplus revenue. We have also omitted the Wabash and Erie canal scrip issued to carry on that work, now, for nearly two years, receivable for debts due that fund for canal lands sold and for lands yet to be sold.

In negotiating the above loans moreover, the receipts of the state have fallen more than \$3,000,000 below her obligations. This has resulted from the practice of selling bonds on credit, and the failure of the purchasers to pay. Upon these purchases the state has now a claim to the amount of about \$3,000,000, which it is not expected will be realized in any considerable degree.

The utmost the state can now hope from these claims is that the parties, so long as they fail to pay the principal of their debt, should pay the interest on the bonds they have received. This will exempt the state at present from the payment of the interest on, say—

The dividend received from the bank stock, about 8 per cent. may pay the interest on the bonds contracted for stock	\$3,000,000
The amount advanced to the state on the fourth instalment	\$1,390,000
And the amount advanced on the public works	294,000
	629,453
	2,313,453
The Lawrenceburg and Indianapolis rail road company pays interest on the money they received	321,000
The Madison rail road company pays interest on the money they received	455,000
	58,989,453
which deducted from the total debt of the state, leaves about \$8,000,000, on which the interest is otherwise to be provided for.	
Of this sum, \$6,500,000 is at the rate of at least 5 per cent.	\$325,000
\$1,500,000 of treasury notes, 6's.	90,000
	\$415,000

which is the sum that must be annually raised for interest alone. The expenses of the state government are about \$100,000 per annum.

The question now arises, what has been done with the money actually derived from the sale of the state bonds. We answer, it has been disbursed in the construction of works of internal improvement throughout the state, projected so as to extend altogether fourteen hundred miles.

The most expensive of these works is the Wabash and Erie canal, which was commenced in 1832. But in the session of the legislature of 1835—'6, the system of internal improvement was adopted. The bill passed providing for the construction of twelve public works, rail roads, canals, and turnpikes, in addition to the Wabash and Erie canal. In the following spring they were commenced simultaneously. Ever different points of the same work were begun at once. The estimate for them all was about eighteen millions—the law appropriated ten.

In the fall of 1839, the purchasers of the state bonds having failed to pay, and the credit of the state being no longer available, the whole system of state public expenditures amounted to about seven millions, and it was then estimated that the total cost of the works, if completed, would be about twenty-three millions. Such was the undertaking of a state whose whole taxable property, at the time the system bill passed, did not exceed, according to the actual returns, more than forty-seven millions, and such was the result. The policy of constructing the works, and parts of works simultaneously, was so well pursued, that no considerable portion of any work was completed or fit for use. "Twenty miles of the Madison rail road, thirty miles of the White Water canal, were the principal works in progress on the bond made ready—the system lay in fragments throughout a state, whose vast territory of wood land was, as yet, but slightly interspersed with patches of cultivation. There lies the system still—its unfinished excavations and embankments, locks, culverts, aqueducts, and bridges—standing to ruin. The income insufficient to pay the expenses of production and repair. The Wabash and Erie canal may be ready for navigation next fall, but conceding as much revenue to the work as was derived from similar portions of the Ohio canal, it will not yield in five years more than expenses and repairs.

In order to meet the payment of the interest on this debt, a revenue law was passed last year, levying a tax of fifty cents per one hundred dollars of taxable property, and a poll tax of seventy-five cents. Let us examine into its operation.

"The state of Indiana contains about twenty-one millions of acres. But little more than fifteen millions is held by private proprietors, the residue chiefly by the United States. There are, however, only seven millions as yet taxable; the land sold for the first five years not being subject to taxation. Of this, eleven millions, and more than one-fourth is as yet cultivated—the rest being still covered with the primitive forest. This estimate is conjectural; but the allowance of the former is ample. In some of the oldest coun-

ties on the river, it is computed that the improved land does not exceed forty per cent. But allowing the total cultivated soil in the state to amount to three millions of acres, it will be seen that little surplus can be produced beyond the necessities of the population. According to the late census, the total number of people in the state amounts to nearly 680,000. Allowing 150,000 of these to be holders of land bought of congress within the last five years and consequently exempt from taxation, there will remain five hundred and thirty thousand acres before any thing can be applied to public purposes. This is little more than five acres and a half to each person. Certainly this is a small allowance. The land could not be rented for more than two dollars and a half per acre per annum, which would amount to less than four hundred dollars per head. It is the labor of about one person in five of this population, on its soil, that sustains the community. Indiana has no commercial thoroughfares or large cities, by which she can make the commerce of other states tributary, nor has she any manufactures of sufficient consequence. She is not very indebted to credit for capital for agriculture, for stock, and the various facilities of tillage. The total of her taxable property, including land, stock, merchandise, &c. at the assessment of the most prosperous times, was about one hundred and seven millions. This was in 1837 '38, and the subsequent change has diminished the assessment to nine and one millions. And this valuation of her property was made when that of Ohio was not assessed at as much by eight millions, although Ohio had more than double the population, and more than twice the age.

It may seem easy enough to half a million of people to raise as many dollars for taxes, in addition to the sum paid indirectly as duties to the general government. But as a tax on labor, on property, or on both, the state and general government demand of Indiana, more in proportion than is paid by the people of Great Britain; if we consider that she is assisted by machinery with the force of one hundred millions of men, and possess the accumulated capital of a thousand years.

In another aspect of the subject the weight of the existing burthens will be better understood.

In 1832, the people were in number about 400,000, and the owners of only six millions acres of land. In 1841, they received from foreign loans	\$5,000,000
From three instalments surplus revenue	882,000
State bank loans over and above stock taken	2,000,000
200,000 emigrants, bringing \$20 each,	4,000,000
	\$14,882,000

Or an actual income of nearly \$2,000,000 per annum.

Under that process purchases were made, debts contracted, and habits formed, which must now encounter the action of an order of things entirely reversed. Instead of income, it is today, a drain of property and labor—a fall—emigration about at an end, and credit gone.

Let us now consider the effect of the change. It is necessary to raise four hundred thousand dollars of taxes; but the two million yield is done. The present circulation of the state bank, which is nearly the whole circulation of the state, is about two millions, and three quarters. The taxes amount to nearly to one-fifth of the sum. This is all collected and taken to the seat of government, causing, whilst accumulating with the tax payer, the tax gatherer, and state treasurer, a pernicious contraction of the currency. The state is bound to pay interest on bonds, and drafts on the sea board, which are drawn on shipments of produce. This, then, is the effect, that a surplus of produce must be raised and transported to the Atlantic, sufficient to pay the tax of more than three hundred thousand dollars. This quantity of tax is sent to market, over and above that surplus which is exchanged for commodities."

But if a corresponding surplus were produced by the whole United States it would amount to twelve millions. And the question then will arise, can we find a market for this increased supply? And if a market be found, will not the forcing so large an increased supply upon it, thereby lower the price of it? Increased, perhaps the difficulty of providing for her wants by an increased production of her staples would not be so great. But it unfortunately happens that Illinois and Michigan, Ohio and Kentucky are placed in a precisely similar condition, and are all aiming to increase their exports, and for the same all the consequence is that the value of all their great staples is materially diminished. Pork has fallen to a mere fraction of its former value, and by increasing its production it will fall still lower.

It is well known to those who are familiar with the condition of the new states in the west, that the wealth of the laborer is almost inextinguishable. The hardy settler of Indiana has begun the world with little, and is looking to the future when the resources of the state shall be fully developed, for a remuneration of his toils.

When the fields become co-extensive with his power of tillage, and his stock co-extensive with the price of the laborer, the annual increase, no longer susceptible of further fruitfulness, is sold, and the per centage of profit in after years falls far short of the rate which had previously been produced on smaller capital, connected with the immediate labor and supervision of the proprietor. Whilst, therefore, the process of clearing and stocking is going on, every dollar of capital is exerting the most vital and prolific energy. Let taxation now intervene and intercept a portion of this capital—let it divert a head of stock or stalk of corn from the great work of reproduction, and there is a loss sustained, not only of the market value of the commodity, but of the annual *pluing* power, the prospective value of all its worth.

A tax that comes upon a farmer in this stage of progression, (and this is the present condition of Indiana), not only absorbs part of a scanty possession, but blights a valuable expectancy. It not only curtails the present sum of employment, but blights the most promising harvest of hope. A tax of five hundred thousand dollars, year after year, acting in this manner, is a tax of sterility, paralysis and despair. It rests like a shadow on the face of the earth, like a cloud on coming time.

Every different interest would be the effect on a long settled country. There, taxes are levied on the annual surplus, on the fund set apart for expenditure, and operate to diminish the indulgence of luxury. The people of the old states are comparatively rich. Poverty has been a pioneer of the new. If a strict valuation of property could be made, it would be found that the average wealth of citizens in the old states is more than double that of the new. Taxes in one case are levied on abundance, in the other on insufficiency.

ILLINOIS.

STATE NOTES. We learn from the Alton Telegraph, that Geo. White, a land commissioner, failed to procure from the assignees of Wright & Co. in London, the bonds belonging to Illinois, which were in their hands as its agents, for sale at the time of their failure.

THE CONTINENTAL ARMY.

This was the subject of the fifth lecture of the series recently delivered by Mr. Sparks before the New York Historical society. We subjoin a sketch of it.

Mr. Sparks commenced with a brief review of the causes which induced the colonies to resort to arms to resist the insupportable oppression which the British power had levied upon them. "The Massachusetts legislature, then sitting at Cambridge, made the first movement, and that too with sound of the British cannon at Boston. They raised a body of men called 'minute men,' to be ready for action at a minute's warning. Officers were appointed to command them, and they received all necessary supplies of arms, ammunition, &c. In Virginia about the same time, the people reorganised their independent companies, and had been in readiness against the Indians and French during the last war, and made Col. Washington their commander as one of their leaders. Patrick Henry was a captain of one of those companies.

Most of the other colonies soon after took measures to put themselves in a condition for defence, and prepared for a final appeal to arms. The experience of the British army had not previously served as officers in the British army, but were now enlisted as privates in the colonies, materially assisted their organization. After the battle of Lexington, the colonists flew to arms from all quarters. When the British troops found an asylum in Boston after their retreat from Lexington, the colonial militia concentrated in the neighboring towns, but were inefficient for want of a chief.

The legislature of Massachusetts then resolved to raise an army of 30,000 men, from the different New England colonies. Gen. Ward was placed at the head of those furnished from Massachusetts; Gen. Putnam commanded the militia of Connecticut, and Gen. Greene those from Rhode Island. The militia from New Hampshire consisted of no higher grade than colonel, but among them was Col. Stark, a host in himself. Gen. Ward was chosen the principal commander of this army. Most of the men were enlisted for one year, but some of them for a shorter time.

Congress was at this time in session at Philadelphia. The news of the battle of Lexington ran through the colonies with almost electric speed, and the details were soon laid before congress. They immediately resolved to put the country in an attitude of defence, and to raise an army, which was hailed with joy. The first step was to choose a commander-in-chief who should unite and have the confidence of all the colonies. A difficult and a great difficulty. Both New England and Virginia had great claims to the honor of furnishing the commander, and there were many strong reasons pointing to general Ward, of the latter, as the proper man to assume the responsible duties of the station. A greater difficulty than all this, however, presented itself. It was necessary that the selection should be one that would not excite the local jealousies of the middle and the southern colonies. The New England delegates in congress saw the state of feeling which existed, and with great magnanimity resolved to forego their own claim for the good of the country.

Accordingly John Adams made a motion in congress that the militia then assembled in Massachusetts be recognised as the continental army; and stated that it was his intention to propose one of their own body, from Virginia, as commander-in-chief. His remarks in reference to the gentlemen's qualifications, were so pointed as to be well understood as applying to Washington, who so understood it himself, and immediately withdrew from the house. The appointment was made the next day, when Washington was nominated by Thomas Johnson, of Maryland, who had long been his personal friend. The next day, on the 22nd ult., the house adjourned, and it was ascertained that Washington was unanimously elected! The house then adjourned till next day, when notice of the appointment was officially communicated to Washington, by the president, and he signified his acceptance in a short and appropriate reply. At the same time congress appointed four major generals and five brigadier generals. The major generals were Warren, Lee, Schuyler and Putnam.

Mr. Sparks, in speaking at large of the characters and general qualifications of the major generals, said, the fourth in command was Putnam—another name for bravery and generosity—a most excellent name for to execute the plan of others, but whose defects were so few, that the narrow scope of his habits of life, and easy good nature, rendered him less fit for the chief command in high and responsible situations. It is to be regretted, however, that recent attempts have been made to cast reflections on his bravery—attempts alike insinuating and gratuitous. "As brave as Putnam," is a proverb, which many have lisped in their infancy; to gainsay it would be like gaining the first lesson of our primers, and asserting that Solomon was not wise and Sampson not strong. The career of Putnam in the old French war is brilliant with acts of daring adventure and lofty courage—danger was a word unknown in his vocabulary—and his military talents, as testified by his conduct on the townbank, or the woodman's rifle. "Great applause." The news of the battle of Lexington was carried to him by a special messenger, who found Putnam literally at his plough. His spirit kindled instantly—the plough was left in the furrow—he changed his vesty gear for his old regimentals, and mounted on his favorite horse, and rode off to the wars, whose ardor he greatly enjoyed. He remained in active service till towards the close of the war, when his bodily infirmities compelled him to retire. A warmer heart—a purer patriot—and a braver man than Putnam never existed!

The brigadiers were Gates, of Virginia; Montgomery, of New York; Hest of Massachusetts; Sullivan, of New Hampshire; Greene, of Rhode Island. Next to Washington, the lecturer considered Gen. Greene the first of all the officers of the revolution. History had done him but partial justice.

The whole number of major generals during the war was 75; of brigadiers, 100; of colonels, 1,000; of the Great Britain, eight of France, five of Germany and other foreign countries, and the remainder of America. The general officers were appointed by congress, the colonels, &c. by the states.

Gen. Washington took command of the army at Cambridge, on the third of July, 1775. The American army numbered about 16,000 men, and the British army 14,000 regular troops. Soon, however, rifle companies from Pennsylvania, first, then Virginia, and afterwards others, were added to the continental army.

Mr. Sparks then alluded to the difficulties which Gen. Washington encountered during the campaign. Gen. Ward was retained by congress, although they had appointed a commander-in-chief. Their jealousy of entrusting to him the sole direction of the army impeded its operations. These difficulties were, how-

ever, slight in comparison with those experienced on the reorganization of the army when the time of enlistment expired, from the confusion produced by congress in relation thereto, but the habitual respect entertained by Washington for congress, led him to acquiesce cheerfully in all their decisions, although frequently in opposition to his own judgment.

Mr. Sparks gave it as his opinion that the purity of the patriotism of Washington's character were never fully appreciated, until the 22nd ult. The remarkable incident fully illustrates the character of that noble man. It was a remarkable proof of his modesty that the subjoined letter was never published during his life time, although copies of it were earnestly solicited. A council was held privately by some noble influence, ever present, and the delicate situation was discussed, and it was proposed to tell their views, and hopes and fears to Washington. One man, Colonel Nicola, was chosen to write a letter expressive of their views, which letter was to be sent to Washington, and in this it was stated that nothing short of a monarchical system could save the country from the anarchy and disasters which threatened it; and they proposed to Washington that such a system should be established, and that he should take the head of it, with the power and title of "king." In carrying out this plan, they promised Washington that he should have the support of the army, and of many men of influence and power.

Now mark the reply Washington made to this.—Here it is:—

To Colonel Lewis Nicola.

Newburg, 22nd May, 1782.

Sir: With a mixture of great surprise and astonishment, I was seized with attention the sentiments you have submitted to my perusal. Be assured, sir, no occurrence in the course of the war has given me more painful sensations, than your information of there being such ideas existing in the army, as you have expressed, and which I must view with abhorrence and reprehend with severity. For the present, the communication of them will rest in my own bosom, unless some further agitation of the matter shall make a disclosure necessary.

I am much at a loss to conceive what part of my conduct could have given encouragement to an address, which to me seems big with the greatest mischiefs that can befall my country. If I am not deceived in the motives of my self, you will find me have found a person to whom your schemes are more disagreeable.

At the same time, in justice to my own feelings, I must add, that no man possesses a more sincere wish to see ample justice done to the army than I do, and, as I am a lover of the truth, and in a constitutional way, extend, they shall be employed to the utmost of my abilities to effect it, should there be any occasion. Let me conjure you then, if you have any regard for your country, concern for yourself or posterity, or respect for me, to banish these thoughts from your mind, and never communicate, from now onwards, any more of the kind to any man like unto me. I am, sir, your most obedient servant,

GEORGE WASHINGTON.

This remarkable letter is a transcript from the first draft in Washington's hand writing. The following certificate is appended to it, and is also in the same hand writing, except the signatures, which are autographs of the signer.

"I, the undersigned, is an exact copy of a letter which we sealed and sent off to Colonel Nicola, at the request of the writer of it."

"D. HUMPHREYS, A. D. C.

"JOHNATHAN TRUMBULL, Jr. sec'y."

The jealousy of congress was also manifested in authorising Washington to raise such an army as he thought proper, and to send it out of the country. A motion was also made to limit the standing army to 5,000 men. Washington remarked that he would cheerfully support this measure, provided a law was passed saying that the country should never be invaded by more than 3,000 men.

The loss of the army, and the difficulties of the movements of the army after the evacuation of Boston, and of the retreat through New Jersey, where the army had dwindled down to 3,000. Congress was aroused to the necessity of greater exertion, and determined to raise a new army, consisting of 88 battalions, apportioned among the different states. The mode of enlistment was also noticed—the embarrassment which arose from enlisting some for the war and others for a period of three years, and the unfavorable effect of the large bounties offered to recruits. The average number of the army was 40,000, and the largest number under the immediate command of the army was 60,000.

Mr. Sparks then adverted to the complaints made by the officers of the army—their pecuniary distresses—the inadequacy of their pay—and to the successful exertions made by their commander to pro-

cure for them from congress, a pension for life. At the close of the war, however, five years' full pay was substituted for the above. The lecturer, after speaking of the manifold privations of the army, and instituting a contrast between their condition and that of the British troops, closed with an eloquent tribute to the patriotism and talents of Washington.

POLITICS OF THE DAY.

MR. GRANGER'S REMARKS.

At the abstract of Mr. Granger's remarks at the Young Men's meeting convention in western New York.

Mr. Granger commenced his remarks by saying that he had never before, in addressing his fellow citizens, felt called on to speak of himself—but on that occasion he felt bound to do so. He then took a rapid glance of the formation of the cabinet under General Harrison, and portrayed the character of that lamented patriot. After dwelling for a short time upon the death of President Harrison, and the accession of his successor, Mr. G. entered upon a short history of the legislation of congress, the action of the executive, and the causes which led to the solution of the executive veto, and the passage of the land bill, as an act of long deferred justice to the states—to the bankrupt act as one which would bring relief to thousands of the unfortunate—to the revenue bill as one due to the wants and interests of the country. Mr. G. then went on to state that no one subject had engaged so much of the public attention or had been so emphatically scaled with public reprobation, as the sub-treasury plan. That plan had been repeated amongst the first acts of the present congress, and its repeal implied an obligation upon the whig party to provide a substitute—that a bank bill had been passed by congress, and arrested by the action of the veto.

Much as he deprecated the use of the veto power, such were some of the features of that bill that although he did most deeply regret that the executive sanction was withheld from it, he did not feel that the president should be harshly censured for returning it to congress with his objections. A second bill, which was formed which it was supposed would fully meet his wishes. Indeed the public had been informed by high authority, which remains uncontradicted, that the second bank bill was presented to congress with the approbation of the president to its details. That bill was passed, and its fate was known to our country. Congress was about to adjourn the sub-treasury repealed, and the substitute offered by congress defeated by the executive. The purse and sword were still united in the power where the whig party had declared they should not remain. Here was sufficient cause for the withdrawal of members from the whig cabinet—it was well known that four of them did withdraw.

But there were other additional reasons which Mr. G. said would frankly state.

The contest of last year had not been waged upon these legislative questions only.

It had been boldly declared, and by himself amongst others, that long continued power in the hands of our adversaries, had led to corruption among the office holders, and to a most dangerous interference on their part in our political elections. Not that every officeholder was corrupt, but the different departments of government patronage and expenditures, required a general purification. The revolution of last year was not accomplished, and for the purpose of placing the executive officers at Washington in snug and comfortable places, while the horde of office holders throughout the country remained undisturbed. Their removal was as much desired by the people as was the change in the highest offices of the government. So perfectly was this understood, that it was due to our country to say that they did not intend, when removed, and justly laugh at us when we permitted them to remain.

Many removals and appointments were made during the congressional recess and before the death of Gen. Harrison, which were afterwards sent to the senate for confirmation, but since that period very few had been disturbed. The president had seen fit to retain in power almost the entire force of the Canadian department throughout the country, although the whig party had been loud in their assertions of corruption and fraud in the enormous expenditures there. Custom house officers were retained who were known to have been actively engaged in the political intrigues of the country. At the same time the offices of the post office department were under the control of the president, who had permitted but few changes. Under this state of things Mr. Granger had been forced to consider his duty to the principles he advocated and to himself personally. After the deepest reflection he could not doubt. He felt that if the executive power should continue to thwart the

will of the people, as expressed through the ballot boxes, and through their representatives in congress; if bold political partisans were permitted to retain the places they had so long abused, to trample down whig principles, and if, after all this he remained in office, the whigs throughout the nation—yes, the whigs of all Ontario, by whose party he had been so often sustained, would believe that for the enjoyment of office he had bartered his and their principles, and that "Frank Granger was not the man they took him to be."

Although fully convinced of the course it was his duty to pursue, Mr. G. said he did not feel at liberty to withdraw from the duty of the whig delegation from this state, who gave their unanimous approval of his determination. Then he did resign, ready to go into the ranks, to sustain the whig party. Mr. Granger said that here he had a single word to say as much in justice to another as himself. It has been insinuated in public prints, and circulated in secret whispers, that the member of congress of this district had received his nomination with an understanding with Mr. Granger that, in a contingency like that which has arisen, his place was to be surrendered. This was a miserable calumny, without the slightest shadow of truth. Mr. Granger, who had been secured by a friend named as a candidate until informed of his nomination. He need not say how well the trust confided to him had been executed. But he would say, in justice to his own feelings, that, during the whole of the delicate and perplexing responsibilities growing out of his position in the government, and the surrender of his place, the constant counsel and advice of that gentleman had been most useful to him. Mr. G. said that, on his return, he met at Albany Mr. Greig's letter of resignation, which had been followed, by the representatives of the whigs of Ontario, by a nomination more grateful to his feelings than any other occurrence of his political life.

Mr. Granger then reviewed the position of the whig party of the nation, and particularly of this state. He said that our enemies had supposed that those who differed from the president were to wage war upon him, and thus produce a breach in our ranks. The proceedings of the state convention sorely had been disappointed, and he believed that illusion, and put matters upon the right ground.

Should the present administration carry out whig principles, it was entitled to the support of the whig party, and from no one would such a course receive a more hearty support than from him (Mr. G.) wherever he might be situated. There were several other considerations that improper officers would be reformed. He trusted the president would continue these reforms, in which it was the duty of good whigs to sustain him.

MR. BELL, OF TENNESSEE.

In pursuance of the preamble and resolutions adopted at a meeting of citizens of Nashville and Davidson county, on the 9th instant, preparatory to tendering a public dinner to and making suitable arrangements for the reception of the hon. JOHN BELL, the committee of invitation and correspondence, appointed by the chairman, addressed his reply, will be found below. The hour at which Mr. Bell arrived at home (about daylight on Saturday morning) prevented the committee appointed for that purpose from carrying into effect the arrangements contemplated for his reception.

Nashville, November 22, 1841.

DEAR SIR: In pursuance of the resolutions of a public meeting of your fellow citizens of Nashville and Davidson county, herewith communicated, we have the honor, on their behalf and in their name, to tender you the assurance of a hearty welcome to your home, and the compliment of a public dinner, before which, at such time as you will best suit your convenience.

Referring to the preamble annexed, as expressive of the feelings of your old friends and constituents on the political events of the last few months, as well as of the sentiments of unabated confidence and personal regard which they entertain for you, it is our duty to have the honor to subscribe ourselves, your obedient servants.

[Signed by S. V. D. Stout, Thos. Washington, J. P. Clark, G. M. Fogg, C. C. Norvell, John Trimble, A. V. S. Lindsey, W. O. Harris, committee.]

Hon JOHN BELL.

Nashville, November 22, 1841.

GENTLEMEN: I have received your letter of the 20th inst. in which you, in behalf of the whigs of Nashville and of Davidson county, tender me the honor of a public dinner, as a testimony of their unabated confidence and esteem.

Under all the circumstances attending my return home, this public manifestation of the undiminished

attachment of so many of my earliest and most tried friends affords me the most sincere gratification.—The particular reasons assigned in the preamble and resolutions which accompanied your letter of invitation, for the tender of this regard at this time, and the delicate and flattering manner in which they have been communicated, yield indeed a still deeper sense of gratitude on my part, if that were possible.

I cannot be mistaken as to the motives and feelings which prompt those zealous and devoted friends, who desire to welcome my return among them by tendering me all the honors in their power to bestow. Their generous sympathies have been awakened by the reflection of my long and ardent services, and the sudden reverse in my fortune which, from a high and a respectable public station, dooms me to the seclusion and obscurity of private life. Their generous sentiments and conduct upon this occasion affect me extremely. I reciprocate, with all my heart, the warmth and cordiality of their attachment and respect; but I beg through you to assure those whom you represent, and who have shown so true a friendship in this critical period of my career, that during the whole term of my public service I never ceased to have in mind the various duties and reverses which it is the lot of a few to escape who devote themselves to public affairs; nor am I at all surprised at, or unprepared for, that which awaits me at present. My friends know that the prospect of reverses did not cause me to hesitate in my course, when, with a handful of devoted companions, I rallied to the standard of opposition in the palmy days of Jackson's power; nor did the prospect of exclusion from any public station in future deter me from my purpose of retiring from the one I recently held when I could no longer do effective or honorable service by continuing in it. In resigning office, whatever my private feelings may have been, my friends they could not, I did not make the slightest calculation upon being continued in the public service in a different branch of the government, and I so assured them at the time. I need not trouble you with the reasons for that conclusion. It will be sufficient upon this point to state, that I was then able, as I trust I am now, to do so, without any other consideration whatever lot or condition may be imposed upon me in a career of honorable ambition, whether by my friends or opponents. Without pretending indifference to the honors and distinction of public station, I can truly say that I return to the bosom of private life without regret—not dispirited, but with a full consciousness that I have by habits contracted in public employments. Within that humbler sphere, I am convinced, there is ample scope and verge for the exercise of every faculty of the mind, and the full gratification of regulated ambition.

I submit with cheerfulness to the distribution of the vacant posts of honor and trust which it is now understood the whigs of the legislature decreed at an early period of the session, and there should be any election. For the two gentlemen who, under all the circumstances, have been thought most deserving of this distinguished testimony of the respect and confidence of the state and of the whig party, and for every member of the party, I wish increase of days and of honors so long as they may be able to do so faithfully and to the satisfaction of the people and policy.

I shall be happy if, by my humble example in yielding a ready acquiescence in a decision which will very probably close my political career, I can contribute any thing to moderate the rage of disappointed expectants, and abate those rankling jealousies and hates springing from rival pretensions in the whig ranks, which I should be glad to see have been so effectually put to rest by habits contracted in public employments. Within that humbler sphere, I am convinced, there is ample scope and verge for the exercise of every faculty of the mind, and the full gratification of regulated ambition.

I envy neither the honor nor the responsibility of those who, at such times, are the choice of their party to fill the high stations in their gift, and to lead the van in the great battle which is to be fought, or again, the responsibility of the objects of the van, in a long contesting can be secured and settled upon a permanent foundation. For the sake of the country and the great interests at stake, I earnestly trust that they will be able to hear the whig banner triumphantly through the perils which now encompass it. Great as these perils are, I do not believe that the whigs of the United States, at a time and under circumstances which very naturally led to a general expectation among the whigs of other sections of the

Let it be remembered that all the particular committees were expected to come prepared at that meeting, with instructions from their respective delegations to cast their votes for the nomination of the vice president. I have no doubt that every one of them did come so prepared and instructed, excepting myself. The delegation from Virginia gave me no instruction excepting (as I understood) that the nomination would not be made on the first vote, and, intending in that case, to make its selection among the nominees who should be presented by the other delegations; or, if the nomination should be made by general consent on the first vote, to concur in it.

When the general committee proceeded to collect the votes for the nomination of the vice president, the states were called in the order in which they are generally called in the house of representatives of the United States. The committees from Maine and New Hampshire announced the votes of the delegations of those states; the votes of one were given for the nomination of Mr. Tyler; those of the other (I think but not positive) were given for some other gentleman. Massachusetts being next called, Mr. Ashmun announced the vote of the delegation of that state for me. Upon this, I said, in substance, that, considering the part I had borne in the convention, and especially in that all important general assembly being that of the convention, and the Virginia delegation, no one of whom had ever suggested my name for the vice presidency—if, under such circumstances, I should receive the nomination, it might be said, without truth indeed, but with enough verisimilitude to make the imputation probable, and therefore very distressing to my feelings, that I had procured the nomination for myself; that, in my opinion, my name, instead of giving any strength to the ticket, would probably weaken it, even in Virginia; and that I was resolved, for other reasons, that I would not accept any such nomination—I did not state those reasons, and, as the matter was then closed, I did not state them. I suggested to the committee from Massachusetts that it should return to its delegation, and suggest to them the propriety of changing their vote. That committee saw at once that I was sincere and decided, and, adopting my suggestion, immediately retired.

It soon appeared that my "deleacy" had been "overstated," but for a reason very different from what you, gentlemen, have supposed. The voting proceeded in the absence of the committee from Massachusetts. The several committees from the other delegations (that from Virginia excepted) acting under instructions given before I had said a word on the subject, and therefore uninfluenced by my declining the nomination, unanimously, in order as they were called, the votes of their respective delegations. Not another vote was given for me. A majority of the whole number of votes, and a large majority too, was given for the nomination of Mr. Tyler. The other votes were scattering. It was then suggested to the committees which had given no vote, declining the nomination, in order as the delegations, report the state of the vote whereby Mr. Tyler was already nominated, and propose that their votes should also be given for him. Those committees retired in pursuance of this suggestion, consulted their delegations, and, soon returning, gave their votes also for Mr. Tyler.

I then said that, as Mr. Tyler was a member of the Virginia delegation, and thought that delegation would best consult his feelings and his dignity by withholding their vote altogether, so that the nomination should be entirely the act of the other delegations. I did not take this course because I thought the Virginia delegation would hesitate to concur in the nomination, and that willingly and promptly. My real and my declared purpose was, now, that Mr. Tyler had received the nomination, to place him before the country on the most elevated ground on which he could stand.

The committee rose, and Governor Owen reported to the convention that Mr. Tyler had been nominated for the office of vice president by the unanimous voices of all the delegations, except the northern ones, which had not voted at all. And I then stated publicly, in the convention, the same reasons for withholding the vote of the Virginia delegation which I had declared in the committee; and this was done in such a manner as not to disparage Mr. Tyler by withholding the vote of the Virginia delegation, but to elevate him. In the delegation, the northern Virginia, of my conduct; and this, I am sure, was its effect; for which I appeal to every surviving member of the convention. The scene cannot have been forgotten.

Saying this, it is proper I should add, that Mr. Tyler would not have been my choice for the vice presidency, if the state of the vote for him had been such as to have left me a choice. My own wish was that Mr. Mangum, of North Carolina, should be nominated; or, if the vice president should be selected from Virginia, my vote would have been for the nomination of James Barbour. I expressed these sentiments to the few gentlemen with whom I had the opportunity of conversing on the subject. But I had no objection to Mr. Tyler as would have induced me to dissent from his nomination, when I found it agreeable to the sense of the delegations from the other states; and I think that this was the general sentiment, at the time, of the delegation from Virginia. I certainly acted under the impression that it was so.

I have not, any more than you, approved the conduct of Mr. Tyler since his translation to the presidency, in consequence of the death of General Harrison; yet I would not, therefore, have him disparaged by an erroneous view of the facts attending his nomination; much more, by my silence as to those facts.

I perfectly true, as you suppose, that when Mr. Tyler was nominated for "vice president" by the Harrisburg convention, neither that body, nor, I believe, any one member of it, looked to the contingency of his becoming president of the United States by the death of General Harrison—I acknowledge myself, that the military event never entered my mind. I doubt very much whether, in any election since the amendment of the constitution of the United States touching the manner of electing the president and vice president, the vice president has ever been selected with any view to the contingency of his becoming president in consequence of the death of the president elected by the people.

Richmond, Dec. 3, 1841. B. W. LEIGH.
The Madisonian of the 7th in reference to the subject says: "After repeatedly asking the question, 'who nominated John Tyler for vice president?' and referring to the editor of the paper for the answer, I was at length drawn forth a reply from a prominent member of the Harrisburg convention—the hon. Benjamin Watkins Leigh."

"We did not put the 'question' without an object, nor cease to repeat it till we have gained an end—and one end will lead to other objects and ulterior objects. For the present, we have no occasion to comment upon the card of the hon. Mr. Leigh; when we do, we shall 'speak by the card.' The regard for truth and candor evinced in his communication does great credit to his character."

Noticing the card which follows, the Richmond Whig of the 4th inst. says: "Mr. Leigh's card will attract attention. The editor who has published it, while he, in appearance, not in effect, contraverts, made it upon the authority of a member of the convention. That editor believes, that from his delicacy and other causes, Mr. Leigh knew less of what passed in the under-currents at Harrisburg than any other member of the body. I doubt not, but he is accurate so far as his knowledge now believes, but he is not a man to know much of under-currents. He may or may not, take this as a compliment. We re-assert that Tallmadge was first choice—Leigh next—then Mangum—then Bell—and that Tyler was taken up when the others could not be persuaded. The editor's letter is later than the statement of the Ohio paper—edited by a brother-in-law of Mr. Tyler—that the whigs of the United States had demanded and dictated his nomination. That fact is assuredly false, and that conceded to us, we are indifferent to all the rest."

Mr. Leigh's observations are mainly confined to what passed under his own eye, in the "grand committee." See the statement by a member of the committee from New York as to what passed elsewhere and prior to the action of the "grand committee."

To the editors of the Courier & Enquirer. In your reply to the inquiry of the Madisonian, relating to nomination of John Tyler as the whig candidate for vice president, you have fallen into two or three errors which I ask leave to correct. It is true, as you say, that the nomination for vice president was tendered to Mr. Crittenden, of Kentucky, whose delegation, most unfortunately for the republic, declined it. Mr. Bell, of Tennessee, was not represented in the convention, we could find no delegate from the south authorised or willing to vote for Mr. Bell's acceptance of the office. Mr. Preston was then proposed, but South Carolina, at least so far as the whig convention was concerned, was out of the mind, and as the other southern delegates approved of the suggestion, Mr. P. was dropped. We then made a dash at North Carolina, whose strong, full, wholehearted whig delegates were in the convention. The choice was left to her delegates, and they designated the late Governor Owen, who was present, and for reasons too humble to his delicacy as a gentleman, and to his hostility to a whig, declined the nomination.

"These efforts to secure the nomination of some tried, staunch, distinguished whig, came from the delegates who had opposed the nomination of Mr. Clay for president. Their object, after the election of Clay, was to strengthen the party. But failing to unite in convention upon some distinguished friend of Mr. Clay as vice president, the question was referred to the "Grand Committee," consisting of three delegates from each state. In that committee, Messrs. Crittenden, Bell, Freslon and Owen, having declared in favor of Mr. Tyler, Messrs. Massachusetts, nominated Benjamin Watkins Leigh, who, (he being a member of the committee), rose and declined. Mr. Tyler was then

brought forward and subsequently nominated. You will see, therefore, that Mr. Tyler was eminently indebted to a series of accidents for his elevation to the presidency.

"I ought to add that but for the fact that Mr. Porter, a delegate from Dutchess, produced a letter from the hon. N. P. Tallmadge, declining to be a candidate, and that Mr. Porter, in consequence, and consequently now have been our president."

PRESIDENT'S MESSAGE.

To the senate and house of representatives of the United States:

In coming together, fellow citizens, to enter again upon the discharge of the duties with which the people have charged us, several, we find great occasion to rejoice in the general prosperity of the country. We are in the enjoyment of all the blessings of civil and religious liberty, with unexampled means of education, knowledge and improvement. Through the year which is now drawing to a close, peace has been in our bosom, and no calamities, save the occasional, though disease has visited some few portions of the land with distress and mortality, yet in general the health of the people has been preserved, and we are all called upon, by the highest obligations of duty, to renew our thanks and our devotion to our Heavenly Parent, who has continued to visit us with his eminent blessings which surround us, and who so signally crowned the year with his goodness. If we find ourselves increasing, beyond example, in numbers, in strength, in wealth, in knowledge, in every thing which promotes human and social happiness, let us ever remember our dependence, for all these, on the protection and merciful dispensations of Divine Providence.

[FOREIGN RELATIONS.—GREAT BRITAIN.] [The McLeod case.] Since your last adjournment, Alexander McLeod, a British subject, who was indicted for the murder of an American citizen, and whose case has been the subject of a correspondence heretofore communicated to you, has been acquitted by the verdict of an impartial and intelligent jury, and has, under the judgment of the court, been regularly discharged.

Great Britain having made known to this government that the expedition which was fitted out from Canada for the destruction of the steamboat *Caroline*, and which case has been the subject of a correspondence heretofore communicated to you, and in the death of an American citizen, was undertaken by orders emanating from the authorities of the British government, in Canada, and demanding the discharge of McLeod upon the ground that, if engaged in that expedition, he did not fulfil the orders of his government, has thus been answered in the only way in which she could be answered by a government, the powers of which are distributed among its several departments by the fundamental law. Happily for the people of Great Britain, as well as those of the United States, the only mode by which an individual citizen, by a criminal offence, before the courts of either, can obtain his discharge, is by the independent action of the judiciary, and by proceedings equally familiar to the courts of both countries.

If in Great Britain a power exists in the crown to cause to be entered a *notte prosequi*, which is not the case with the executive power of the United States upon a prosecution commenced in a state court, yet there, not more than here, can the chief executive power rescue a prisoner from custody without an order of the proper tribunal directing his discharge.—The precise stage of the proceedings at which such order may be made, is a matter of municipal regulation exclusively, and not of international law.

In cases of this kind, a government becomes politically responsible only, when its tribunals of last resort are shown to have rendered unjust and injurious judgments in matters not doubtful. To the establishment and elucidation of this principle, no nation has lent more ready aid, than the recently formed Government of Great Britain, Alexander McLeod having his option either to prosecute a writ of error from the decision of the supreme court of New York, which had been rendered upon his application for a discharge, to the supreme court of the United States, or to submit his case to the arbitration of a friendly power. Great Britain has shown the readiest mode of obtaining his liberation, and the result has fully sustained the wisdom of his choice. The manner in which the issue submitted was tried, will satisfy the English government that the principles of justice will never fail to govern the judgment of the arbitrators, and that the removal of a national claim, however, to suggest to congress the propriety, and, in some degree, the necessity, of making such provisions by law, so far as they may constitutionally do so, for the removal at their commencement, and at the option

of the party, of all such cases as may hereafter arise, and which may involve the faithful observance and execution of our international obligations, from the state to the federal judiciary. This government, by our institutions, is charged with the maintenance of peace and the preservation of amicable relations with the nations of the earth, and ought to employ all the means of reasonable and proper means of maintaining the one and preserving the other. Whilst just confidence is felt in the judiciary of the states, yet this government ought to be competent in itself for the fulfillment of the high duties which have been devolved upon it under the organic laws of the state and the federal government.

[The Grogan affair.] In the month of September, a party of armed men from Upper Canada invaded the territory of the United States, and forcibly seized upon the person of one Grogan, and, under circumstances of great harshness, hurriedly carried him beyond the limits of the United States, and delivered him up to the authorities of Upper Canada.—His immediate discharge was ordered by those authorities, upon the facts of the case being brought to their knowledge—a course of procedure which was not to have been expected from a nation which professes to be governed by the laws of justice, and to be bound to the rights of the United States, than to its own regard for justice. The correspondence which passed between the department of state, and the British envoy, Mr. Fox, and with the governor of Vermont, as soon as the facts had been made known to this department, and the correspondence which followed, has been published.

[The affair of the Caroline.] I regret that it is not in my power to make known to you an equally satisfactory conclusion in the case of the Caroline steamer, with the circumstances connected with the destruction of which, in December, 1837, by an armed force fired on in the river, you were made acquainted. You are already acquainted. No such statement as was due for the public wrong done to the United States by this invasion of her territory, so wholly irreconcilable with her rights as an independent power, has yet been made. In the view taken by this government, the inquiry whether the vessel was lawfully employed in the service of transporting an unauthorised war against that province, or was engaged by the owner in the business of transporting passengers to and from Navy Island in hopes of private gain, which was most probably the case, in no degree alters the real question at issue between the two governments. The government can never concede to any foreign government the power, except in a case of the most urgent and extreme necessity, of invading its territory, either to arrest the persons or destroy the property of those who may have violated the municipal laws of such foreign government, or to hinder the execution of the laws existing under the law of nations. The territory of the United States must be regarded as sacredly secure against all such invasions, until they shall voluntarily acknowledge their inability to acquit themselves of their duties to others. And in announcing this sentiment, I do but affirm a principle which no nation on earth would be more ready to violate, at all hazards, than the people and government of Great Britain.

If, upon a full investigation of all the facts, it shall appear that the owner of the Caroline was governed by a hostile intent, or had made common cause with those who were in the occupancy of Navy Island, then, so far as he is concerned, there can be no claim to the judiciary for the redress of the wrong done. This government would feel itself bound to prosecute—since he would have acted not only in derogation of the rights of Great Britain, but in clear violation of the laws of the United States; but that is a question which, however settled, in no manner involves the higher consideration of the violation of the law of sovereignty and jurisdiction. To recognise it as an admissible practice that each government, in its turn, upon any sudden and unauthorised out-break, which, on a frontier, the extent of which renders it impossible for either to have an efficient force on every mile of the frontier, and therefore, can never be able to suppress in a day, may take vengeance into its own hands, and without even a restraining, and in the absence of any pressing or overruling necessity, may invade the territory of the other, would inevitably lead to results equally to be deplored by both. The right of redress, in such a case, must, therefore, be made on the authority of either government, or to be made on the authority of either government, general war must be the inevitable result. While it is the ardent desire of the United States to cultivate the relations of peace with all nations, and to fulfil all the duties of good neighborhood towards those with whom we have dealings, and to maintain the order and tranquillity which we desire, we would lead them to deny the right of any foreign power to invade their boundary with an armed force. The correspondence between the two governments on this subject, will, at a future day of your

session, be submitted to your consideration; and in the meantime, I cannot but indulge the hope that the British government will see the propriety of renouncing, as a rule of future action, the precedent which has been set in the affair at Schlosser.

[Correspondence respecting the right of search.—The slave trade.] I herewith submit the correspondence which has recently taken place between the American minister at the court of St. James, Mr. Stevenson, and the minister of foreign affairs of that government, on the right claimed by that government to visit and detain vessels sailing under the American flag and engaged in the prohibited slave trade in the African trade.

One commercial interest in that region have experienced considerable increase, and have become an object of much importance, and it is the duty of this government to protect them against all improper and vexatious interruption. However desirous the United States may be for the suppression of the slave trade, they cannot consent to interpolations into the maritime code, at the mere will and pleasure of other governments. We deny the right of any such interpolation to any one, or all the nations of the earth, without our consent. We claim to have a voice in all questions of international law, and we are, therefore, to understand, as in this instance, by a foreign government, that its treaties with other nations cannot be executed without the establishment and enforcement of new principles of maritime police, to be applied without our consent, we must employ a language neither of equivocal implication, or susceptible of misconstruction. American citizens prosecuting a lawful commerce in the African seas, under the flag of their country, are not responsible for the abuse or unlawful use of that flag by others; nor can they rightfully on account of any such alleged abuses, be interrupted, molested or detained while on ocean voyages, or while engaged in the African trade, pursuing honest voyages in the usual way, and violating no law themselves, they are unquestionably entitled to indemnity. This government has manifested its repugnance to the slave trade, in a manner which cannot be misunderstood. By its fundamental law, it prescribed limits in point of time to the continuance of the slave trade, and it might so far forget the rights of humanity as to engage in that wicked traffic, it has long since, by its municipal laws, denounced the most condign punishment.

Many of the states composing this union, had made appeals to the civilized world for its suppression, long before the most sensible of other nations had been shocked by the iniquities of the traffic. Whether this government should now enter into treaties containing mutual stipulations upon this subject, is a question for its mature deliberation. Certain it is, that if the right to detain American ships on the high seas, for such detention, on the plea of the necessity for such detection, arising out of the existence of treaties between other nations, the same plea may be extended and enlarged by the new stipulations of new treaties, to which the United States may not be a party. This government will not cease to urge upon that of Great Britain, full and ample remuneration for all losses, whether arising from detention or otherwise, to which American citizens have heretofore been, or may hereafter be subjected, by the exercise of rights which this government cannot recognise as legitimate and proper. Nor will I indulge a doubt but that the sense of justice of Great Britain will consent to a more extensive return for any wrong, or loss, which any American citizen may have experienced in the prosecution of lawful commerce, may have experienced at the hand of her cruisers, or other public authorities. This government, at the same time, will relax no effort to prevent its citizens, if there be any so disposed, from prosecuting a traffic so revolting to the sense of humanity, as to be so far from protecting the fair and honest trader, from molestation and injury; but while the enterprising mariner, engaged in the pursuit of an honorable trade, is entitled to its protection, it will visit with condign punishment, others of an opposite character.

[The flag.] I herewith submit a statement to existing laws for the suppression of the African slave trade, and recommend all such alterations, as may give to them greater force and efficacy. That the American flag is grossly abused by the abandoned and profligate of other nations, is but too probable. Congress has, not long since, had this subject under its consideration, and its importance will justify renewed and anxious attention.

[Rice duties.] I also communicate herewith the copy of a correspondence between Mr. Stevenson and Lord Palmerston, upon the subject so interesting to several of the southern states, of the rice duties, which resulted favorably to the justice of Great Britain, and to the tranquillity of the United States.

[The northeast boundary.] At the opening of the last annual session, the president informed congress of the progress which had then been made in nego-

tiating a convention between this government and that of England, with a view to the final settlement of the question of the boundary between the territorial limits of the two countries. I regret to say, that little farther advancement of the object has been accomplished since last year; but this is owing to circumstances no way indicative of any abatement of the desire of both parties to hasten the negotiation to its conclusion, and to settle the question in dispute, as early as possible. In the course of the session, it is my hope to be able to announce some further degree of progress, towards the accomplishment of this highly desirable object.

The commission appointed by this government for the exploration and survey of the line of boundary separating the states of Maine and New Hampshire from the contentious British provinces is, it is believed, about to close its field labors, and is expected soon to report the results of its examinations to the department of state. The report, when received, will be laid before congress.

[RELATIONS WITH SPAIN.]

The failure on the part of Spain to pay, with punctuality, the interest due under the convention of 1824 for the purchase of the Floridas, and the fact that the countries, has made it the duty of the executive to call the particular attention of that government to the subject. A disposition has been manifested by it, which is believed to be entirely sincere, to fulfil its obligations, in this respect, so soon as its internal condition and the state of its finances will permit. An arrangement is in press, from the result of which, it is trusted that those of our citizens who have claims under the convention, will, at no distant day, receive the stipulated payments.

[TREATY WITH BELGIUM.]

A treaty of commerce and navigation with Belgium was concluded and signed at Washington on the 29th March, 1840, and was duly sanctioned by the Senate of the United States. It was afterwards ratified by his Belgian majesty, but did not receive the approbation of the Belgian chambers within the time limited by its terms, and has, therefore, become void.

This occurrence assumes the graver aspect from the consideration that, in 1833, a treaty negotiated between the two governments, and which was the part of the United States, failed to be ratified on the part of Belgium. The representative of that government, at Washington, informs the department of state that he has been instructed to give explanations of the causes which occasioned delay in the approval of the late treaty by the legislature, and to express the regret of his government at the result.

[RELATIONS WITH TEXAS.]

The joint commission under the convention with Texas, to ascertain the true boundary between the two countries, has concluded its labors; but the final report of the commissioner of the United States has not been received. It is understood, however, that the meridian line, as traced by the commission, lies somewhat further east than the position hitherto generally assigned to it, and, consequently, includes in Texas some part of the territory which had been considered as belonging to the states of Louisiana and Arkansas.

The United States cannot but take a deep interest in whatever relates to this young, but growing republic. Settled principally by emigrants from the United States, we have the happiness to know, that the great principles of civil liberty are there destined to flourish, under wise institutions and wholesome laws; and that, through its example, another evidence is to be afforded of the capacity of the human mind, to advance the prosperity, happiness, and permanent glory of the human race. The great truth, that government was made for the people, and not the people for government, has already been established in the practice and by the example of these United States, and it is our duty to encourage and to facilitate its further exemplification by a sister republic, with the deepest interest.

[OUR RELATIONS WITH THE INDEPENDENT STATES.]

Our relations with the independent states of this hemisphere, formerly under the dominion of Spain, have not undergone any material change within this past year. The incessant and increasing wars, or between those countries, are to be greatly deplored, as necessarily tending to disable them from performing their duties as members of the community of nations, and rising to the destiny which the position and natural resources of many of them might lead them to occupy. The incessant and increasing wars, also, directly or indirectly, for complaints on the part of our citizens who resort thither for purposes of commercial intercourse, and as retarding reparation for wrongs already committed, some of which are by no means of recent date.

The late revolution of Ecuador to hold a session, at the time appointed for that purpose, in January last, will probably render abortive a treaty

of commerce with that republic, which was signed at Quito on the 13th of June, 1839, and had been duly ratified on our part, but which required the approval of that body, prior to its ratification by the Ecuadorian executive.

A convention which has been concluded with the republic of Peru, providing for the settlement of certain claims of citizens of the United States, upon that government of that republic, will be duly submitted to the senate.

The claims of our citizens against the Brazilian government, originating from captures, and other causes, are still unsatisfied. The United States have, however, so uniformly shown a disposition to cultivate relations of amity with that empire, that it is to be hoped, the claims of our citizens of that empire towards us, which an adjustment of the affairs of Brazil would afford, will be given without further available delay.

[FLORIDA WAR.]

The war with the Indian tribes on the peninsula of Florida has, during the last summer and fall, been prosecuted with untiring activity and zeal. A summer campaign was resolved upon, as the best mode of bringing it to a close. Our brave officers and men who have been engaged in that service, have suffered toils and privations, and exhibited an energy, which, in any other war, would have won for them undying honors. In despite of the sickness incident to the climate, they have penetrated the fastnesses of the Indians, broken up their encampments, and harassed them unceasingly. Numbers have been captured, and still greater numbers have surrendered, and have been transported to join their brethren on the islands elsewhere allotted to them by the government. On our side, it is entertained that, under the conduct of the gallant officer at the head of the troops in Florida, that troublesome and expensive war is destined to a speedy termination. With all the other Indian tribes, we are enjoying the blessings of peace. On us, as on our best interests, it is our duty, as well as our interest, to maintain, with fidelity in fulfilling our engagements, the practice of strict justice, as well as the constant exercise of acts of benevolence and kindness. These are the great instruments of civilization, and through their use alone, can the untutored child of the forest be induced to conform to its teachings.

[FINANCES.]

The secretary of state, to whom the acts of congress have devolved the duty of directing the proceedings for the taking of the sixth census, or enumeration of the inhabitants of the United States, will report to the two houses the progress of that duty. The enumeration of persons has been completed, and exhibits a grand total of 2,069,216, making an increase over the census of 1830, 1,202,616 inhabitants, and showing a gain in a ratio exceeding 32 per cent. for the last ten years.

[FINANCES.]

From the report of the secretary of the treasury, you will be informed of the condition of the finances. The balance in the treasury on the 1st of January last, as stated in the report of the secretary of the treasury, submitted to congress at the extra session, was \$957,345 03. The receipts into the treasury, during the first three quarters of this year, from all sources, amounted to \$30,467,752 52. The estimated receipts for the fourth quarter, amount to \$10,125,285, amounting to \$39,147,747, and making, with the balance in the treasury, on the first of January last, \$1,397,532 80. The expenditures for the first three quarters of this year, amount to \$24,734,346 97, will amount to \$34,734,346 97, by making the total for the fourth quarter, as estimated, \$39,147,747 52, leaving a deficit of \$10,125,285, amounting to \$30,467,752, and leaving a deficit of \$32,025,070 70 and leaving a deficit of \$32,025,070 70, on the first of Jan. next, of about \$32,557 90.

Of the loan of \$12,000,000, which was authorized by congress at its late session, only \$5,132,726 88 have been negotiated. The shortness of time which has elapsed, has prevented no inconsiderable impediment in the way of its completion by capitalists at home, while the same cause would have operated with much greater force in the foreign market. For that reason the foreign market has not been resorted to; and it is now submitted, whether it would not be advisable to amend the law by making what remains undisposed of payable at a distant day.

[FINANCES.]

Should it be necessary, in any view that congress may take of the subject, to revise the existing tariff of duties, I beg leave to say, that, in the performance of that most delicate operation, moderate counsels would seem to be the wisest. The government, under which it is our happiness to live, owes its existence to the spirit of compromise which prevailed among its framers—jarring and discordant opinions could only have been reconciled by that noble spirit of patriotism, which prompted conciliation, and resulted in harmony. In the same spirit the compro-

mise bill, as it is commonly called, was adopted at the session of 1833. While the people of no portion of the union will ever hesitate to pay all necessary taxes for the support of government, yet an innate repugnance to the imposition of burdens, not really necessary for that object. In imposing duties, however, for the purpose of revenue, a right to discriminate as to the articles on which the duty shall be laid, as well as the amount, necessarily and most properly exists. Otherwise the government would be placed in the condition of having to levy sales duties upon all articles, the productive, as well as the unproductive. The slightest duty upon some, might have the effect of causing their importation to cease, whereas others entering extensively into the consumption of the country, might bear the heaviest, without suffering diminution in the amount imported. So also the government may be justified in so discriminating, by reference to other considerations of domestic policy connected with our manufactures. So long as the duties shall be laid with distinct reference to the wants of the treasury, no will founded objection can exist against them. It might be esteemed desirable that the distribution of the taxes should take place as would have the effect of annulling the land proceeds distribution act of the last session, which act is declared to be inoperative the moment the duties are increased beyond 20 per cent. the maximum rate established by the compromise act. Some of the services of the compromise act, which will go into effect on the 30th day of June next, may, however, be found exceedingly inconvenient in practice, under any regulations that congress may adopt. I refer more particularly to that relating to the home valuation. A difference in value, at the same rate of duty, existing, will necessarily exist at different ports; but that is altogether insignificant, when compared with the conflicts in valuation, which are likely to arise, from the differences of opinion among the numerous appraisers of merchandise. In many instances the estimates of value must be conjectured, and thus as many different rates of value may be established as there are appraisers. These differences in valuation may also be increased by the inclination, which without the slightest imputation on their honesty may arise on the part of the appraisers in favor of their respective ports of entry. I recommend this whole subject to the consideration of congress at the next session, with an additional remark. Certainly and permanency in any system of governmental policy are, in all respects, eminently desirable; but more particularly is this true in all that affects trade and commerce, the operations of which depend much more on the certainty of their returns, and calculations, than in the distant periods of time, than on high bounties, or duties, which are liable to constant fluctuations.

[CURRENCY—EXCHANGES—FISCAL AGENTS.]

At your last session, I invited your attention to the condition of the currency and exchanges, and urged the necessity of adopting such measures as were consistent with the constitutional competency of the government, in order to correct the inequalities of the one, and as far as practicable the inequalities of the other. No country can be in the enjoyment of its full measure of prosperity, without the presence of a medium of exchange, approximating to uniformity of value. What is necessary as between the different parts of the country, is also necessary between the inhabitants of different parts of the same country; with the first the precious metals constitute the chief medium of circulation, and this also would be the case as to the last, but for inventions comparatively modern, which have furnished, in place of gold and silver, a paper currency, the value of the one, and the comparative analysis of the merits of the two systems. Such belonged more properly to the period of the introduction of the paper system. The speculative philosopher might find inducements to prosecute the inquiry, but his researches could only lead him to conclude, that the paper currency is a clearly better mode of exchange introduced, and that society might have been much happier without it. The practical statesman has a very different task to perform. He has to look at things as they are—to take them as he finds them—to supply deficiencies, and to prune excesses as far as he can. The task of furnishing a corrective for derangements of the paper medium with us, is almost inexplicably great. The power exerted by the states to charter banking corporations, and which, having been carried to a great excess, has filled the country with, in most of the states, an irredeemable paper medium, is an evil which government cannot, without the aid of legislative corrective. The rates at which bills of exchange are negotiated between different parts of the country, furnish an index of the value of the local substitute for gold and silver, which is, in many parts, so far depreciated, as not to be received, except at a large discount, in the payment of debts,

or in the purchase of produce. It could scarcely be desired that every bank, not possessing the license of resumption, should follow the example of the late United States Bank of Pennsylvania, and go into liquidation, rather than by refusing to do so to continue currency in circulation, and thus to solvent institutions, thereby augmenting the difficulties incident to the present condition of things. Whether the government, with due regard to the rights of the states, has any power to constrain the banks, either to resume specie payments or to force them into liquidation, is an inquiry which will not fall to elain your consideration. In view of the great advantages which are allowed the corporations, not among the least of which is the authority contained in most of their charters, to make loans to three times the amount of their capital, thereby often deriving three times as much interest on the same amount of money as any individual is permitted by law to receive, no sufficient apology can be urged for a long continued suspension of specie payments. Such suspension is productive of the greatest detriment to the public, by expelling from circulation the precious metals, and seriously embarrassing the success of any effort that this government can make to revive the commercial facilities, and to advance the public interest.

This is the more to be regretted, and the indispensable necessity for a sound currency becomes the more manifest, when we reflect on the vast amount the interference concerns the country. Of this we have no statistics, nor just and adequate opinions. But there can be no doubt, but that the amount of transportation, coastwise, by sea, and the transportation inland by rail roads and canals, and by steamboats and other modes of conveyance, the sum of our vast rivers and immense lakes, and the value of property carried and interchanged by these means, form a general aggregate, to which the foreign commerce of the country, large as it is, makes but a distant approach.

In the absence of any controlling power over the specie, which by forcing a general resumption of specie payments, would at once have the effect of restoring a sound medium of exchange, and would leave to the country but little to desire, what measure of relief, falling within the limits of our constitutional competency, does it become this government to adopt? It was my painful duty at your last session, under the influence of the most anxious obligations, to differ with congress on the measure, which I proposed for my approval, and which it doubtless regarded as corrective of existing evils. Subsequent reflection, and events since occurring, have only served to confirm me in the opinions then entertained, and frankly expressed.

I must be permitted to add, that no scheme of governmental policy, unaided by individual exertions, can be available for ameliorating the present condition of things. Commercial modes of exchange and a good currency, are but the necessary means of commerce and industry, and the direct productive sources of wealth. Wealth can be accumulated by the earnings of industry and the savings of frugality; and nothing can be more ill-judged than to look to facilities in borrowing, or to a redundant circulation, for the power of discharging pecuniary obligations. The country is full of resources, and the people full of industry and enterprise; but permanent remedy for present embarrassments must be sought in industry, economy, the observance of good faith, and the favorable influence of time.

[PLAN SUGGESTED.]

In pursuance of a pledge given to you in my last message to congress, which pledge I urge as an apology for adventuring to present you the details of any plan, the secretary of the treasury will be permitted to submit to you, should you require it, a plan of finance which while it throws around the public treasure reasonable guards for its protection, and rests on powers acknowledged in practice to exist from the origin of the government, will, at the same time, furnish to the country a sound and permanent basis for all reasonable facilities for regulating the exchange. When submitted, you will perceive in it a plan amendatory of the existing laws in relation to the treasury department—subordinate in all respects to the will of congress directly, and the will of the people indirectly—self-sustaining, and capable in practice to realize its premises in theory, and respectable at the pleasure of congress. It proposes by effectual restraints, and by invoking the true spirit of our institutions, to separate the purse from the sword; or more properly to speak, denies any other control to the treasury than that which may be selected to carry it into execution, but what may be indispensably necessary to secure the fidelity of such agents; and, by wise regulations, keeps plainly apart from each other private and public funds. It contemplates the establishment of a board of control, at the seat of government, with agencies at prominent

commercial points, or wherever else congress shall direct, for the safe-keeping and disbursement of the public moneys, and a substitution, at the option of the public creditor, of treasury notes in lieu of gold and silver. It proposes to limit the issues to an amount not to exceed \$5,000,000—without the express sanction of the legislative power. It also authorizes the receipt of individual deposits of gold and silver to a limited amount, and the granting of certificates of deposit, divisible into such sums as may be called for by the depositors. It proceeds a step further, and authorizes the purchase and sale of domestic bills and drafts resting on a real and substantial basis, payable at sight, or having but a short time to run, and drawn on places not less than one hundred miles apart—which authority, except in cases of emergency, is necessary for government purposes exclusively, is only to be exerted upon the express condition, that its exercise shall not be prohibited by the state in which the agency is situated.

In order to cover the expenses incident to the plan, it will be authorized to receive moderate premiums for certificates issued on deposits, and on bills bought and sold, and then, as far as dealings extend, to furnish facilities to commercial intercourse at the lowest possible rates, and to subsume from the earnings of industry, the least possible sum. It uses the state banks at a distance from the agencies, as auxiliaries, without imposing any power to increase the amount it is subjected to such guards and restraints as have appeared to be necessary. It is the creature of law, and exists only at the pleasure of the legislature. It is made to rest on an actual specie basis, in order to redeem the notes at the places of issue—produces no dangerous redundancy of circulation—affords no temptation to speculation—its attendance by no inflation of prices—is equable in its operation—makes the treasury notes, which it may use along with the certificates of deposit, and the notes of specie paying banks—convertible at the place where collected, receivable in payment of government dues, and, without violating any principle of the constitution, affords the government and the people such facilities as are called for by the wants of both. Such, it has appeared to me, are its recommendations, and in view of them it will be submitted, whenever you may require it, to your consideration.

[CONCERNS CONSIDERED.]

I am not able to believe that any fair and candid objection can be urged against the plan, the principal outlines of which I have thus presented. I cannot doubt but that the notes which it proposes to furnish, at the voluntary option of the public creditor, issued in lieu of the revenue and in place of certificates of deposit, will be maintained at an equality with gold and silver, every where. They are redeemable in gold and silver on demand, at the places of issue. They are receivable every where in payment of government dues. The treasury notes are limited to an amount of one-fourth less than the estimated annual receipts of the government, and are subject to redemption. If all these assurances are not sufficient to make them available, then the idea, as it seems to me, of furnishing a sound paper medium of exchanges, may be entirely abandoned.

If a fear be indulged that the government may be tempted to run far beyond its issues, at any future date, it seems to me that no such apprehension can reasonably be entertained, until all confidence in the representatives of the states and of the people, as well as the people themselves, shall be lost. The weightiest considerations of policy require that the restraints now proposed should be maintained, and that no relaxation should be for light causes be removed.—To argue against any proposed plan its liability to possible abuse, is to reject every expedient, since every thing dependent on human action is liable to abuse. Fifteen millions of treasury notes may be issued as the *maximum*, but a discretionary power may be given to the government to issue less than that sum, and every consideration will unite in leading them to feel their way with caution. For the eight first years of the existence of the late Bank of the United States, its circulation barely exceeded \$3,000,000, and for five of the most prosperous years, it was about equal to \$10,000,000; afterwards, the authority was given to receive private deposits to a limited amount, and to issue certificates in such sums as may be called for by the depositors, may so far fill up the channels of circulation as greatly to diminish the necessity of any considerable issue of treasury notes. A restraint upon the amount of currency issued, has seemed to be indispensably necessary, from an apprehension thought to be well founded, that in any emergency of trade, confidence might be so far shaken in the banks as to induce a withdrawal from them of private deposits, with a view to ensure their unquestionable safety when deposited with the government, which

might prove eminently disastrous to the state banks. Is it objected that it is proposed to authorize the creation of a new bill of exchange? It is answered, that such dealings are to be carried on at the lowest possible premium—are made to rest on an unquestionably sound basis—are designed to re-imburse merely the expenses which would otherwise devolve upon the treasury, and are in strict subordination to the general policy of the government. The case of the Bank of Augusta against Earle, and other reported cases; and thereby avoids all conflict with state jurisdiction, which I hold to be indispensably requisite. It leaves the banking privileges of the states without interference—looks to the treasury and the union—and while fulfilling every object of the first, it is in no way an interference of the last. But above all, it is created by law, is amendable by law, and is re-creatable by law; and wedded as I am to no theory, but looking solely to the advancement of the public good, I shall be amongst the very first to urge its repeal, if it be found not to subserve the purposes and objects for which it may be created. Nor will its plan be submitted in any overweening confidence, in the sufficiency of my own judgment, but with much greater reliance on the wisdom and patriotism of congress. I cannot abandon this subject without urging upon you, in the most emphatic manner, what I have already urged, that you should not permit me to have felt it to be my duty to submit, to relieve the chief executive magistrate by any and all constitutional means, from a controlling power over the public treasury. If, in the plan proposed, should you deem it worthy of your consideration, that separation is not as complete as you may desire, you will find it, as it is, in the plan proposed. For myself, I disclaim all desire to have any control over the public moneys, other than what is indispensably necessary, to execute the laws which you may pass.

[STATE DEBTS.]

Nor can I fail to advert, in this connection, to the debts which many of the states of the union have contracted, and under which they continue to labor. That indebtedness amounts to a sum which, less than \$200,000,000, and which has been attributed to them, for the most part, in works of internal improvement, which are destined to prove of vast importance in ultimately advancing their prosperity and wealth. For the debts thus contracted, the states are alone responsible. I can do no more than to repeat the belief that each state will feel itself bound by every consideration of honor, as well as of interest, to meet its engagements with punctuality. The failure, however, of any one state to do so, should in no degree affect the credit of the rest; and the foreign capitalist will have no just cause to experience alarm as to all other state stocks, because any one or more of the states may neglect to provide with punctuality the means of redeeming their engagements. Even such states, should there be any, considering the great rapidity with which their resources are developing themselves, will not fail to have the means, at no very distant day, to meet their obligations. It is to the utmost farthing, nor will I doubt but that in view of that honorable conduct which has evermore governed the states, and the people of this union, they will each and all resort to every legitimate expedient, before they will forego a faithful compliance with their obligations.

[WAR DEPARTMENT.]

From the report of the secretary of war, and other reports accompanying it, you will be informed of the progress which has been made in the fortifications designed for the protection of our principal cities, roadsteads and inland frontier, during the present year; and of the progress which has been made in the work which will be prosecuted to completion with all the expedition which the means placed by congress at the disposal of the executive will allow.

I recommend particularly to your consideration, that portion of the secretary's report which proposes the establishment of a chain of military posts, from Council Bluffs to some point on the Pacific coast, within our limits. The benefit thereby destined to accrue to our citizens engaged in the fur trade, over that wilderness region, added to the importance of cultivating friendly relations with savage tribes inhabiting it, and at the same time giving protection to our frontier settlements, and of establishing the means of safe intercourse between the American settlements at the mouth of the Columbia river, and those on this side of the Rocky mountains, would seem to suggest the importance of carrying into effect the recommendations upon this head with as little delay as may be practicable.

[NAVY DEPARTMENT.]

The report of the secretary of the navy, will place you in possession of the present condition of that important arm of the national defence. Every effort will be made to add to its efficiency, and I cannot too strongly urge upon you, liberal appropriations to that

branch of the public service. Inducements of the weightiest character exist for the adoption of this course of policy. Our extended and otherwise exposed maritime frontier, calls for protection, to the furnishing of which an efficient naval force is indispensable. We look to no foreign conquests, nor do we propose to enter into competition with any other nation in the possession of the ocean. It is due not only to the honor, but to the security of the people of the United States, that no nation should be permitted to invade our waters at pleasure, and subject our towns and villages to conflagration or pillage. Economy in all branches of the public service, is due from all the public agencies to the people. It is due from all the public agencies to the people, that the necessary means, for the protection of our domestic firesides from invasion, and our national honor from disgrace. I would most earnestly recommend to congress, to abstain from all appropriations, for objects not absolutely necessary; but I take upon myself, with all the awakened hesitancy, all the responsibility of recommending the increase and prompt equipping of that gallant navy, which has lighted up every sea with its victories, and spread an imperishable glory over the country.

[POST OFFICE DEPARTMENT.]

The report of the postmaster general will claim your particular attention, not only because of the valuable suggestions which it contains, but because of the great importance which, at all times, attaches to that interesting branch of the public service. The increasing expense of transporting the mail along the principal routes, necessarily claims the public attention, and has awakened the feeling of solicitude on the part of the government. The transmission of the mail must keep pace with those facilities of intercommunication which are every day becoming greater through the building of rail roads, and the application of steam power—but it cannot be disguised that, in order to do this, the post office department is subjected to every extension of time. The lines of communication between distant parts of the union, are, to a great extent, occupied by rail roads, which, in the nature of things, possess a complete monopoly, and the department is therefore liable to heavy and unreasonable charges. This evil is destined to grow more and more, and it is imperative that some measure may become necessary to guard against it.

[APPOINTMENTS TO OFFICE.]

I feel it my duty to bring under your consideration a practice which has grown up in the administration of the government, and which, I am deeply convinced, ought to be corrected. I allude to the exercise of the power, which usage, rather than reason, has vested in the president, of removing from office, without the assent of the senate, any one of the holders of office, which not only withdraws them from the steady and impartial discharge of their official duties, but exerts an undue and injurious influence over elections, and degrades the character of the government itself, inasmuch as it exhibits to the public magistrate, as being a party, in the selection of his agents, in the secret plots or open workings of political parties.

In respect to the exercise of this power, nothing should be left to discretion, which may safely be regulated by law; and it is of high importance to restrain, as far as possible, the stimulus of personal interests in the exercise of this power. The great increase which has been made in public offices, in the last quarter of a century, and the probability of farther increase, we incur the hazard of witnessing violent political contests, directed too often to the single object of retaining office, by those who are in, or obstructing it, by those who are out. Under the influence of the passions, and the selfishness of the individuals, in such contests, I shall cordially concur in any constitutional measures for regulating, and, by regulating, restraining, the power of removal.

[SMITHSONIAN FUND.]

I suggest for your consideration, the propriety of making, without further delay, some specific application of the funds derived out of the will of Mr. Smithson, of England, for the diffusion of knowledge; and which have, heretofore, been vested in public stocks, until such time as congress should think proper to give them a specific direction. Nor will you, I feel confident, permit any abatement of the principle of the fund, which has been so judiciously turned out to the stocks, in which the investments have been made, have undergone a depreciation.

[DISTRICT OF COLUMBIA.]

In conclusion, I commend to your care the interests of this District, for which you are the exclusive legislators. Considering that this city is the resi-

dence of the government, and, for a large part of the year, of congress, and, considering also, the great cost of the public buildings and the propriety of affording them at all times careful protection, it seems not unreasonable that congress should contribute towards the expense of an efficient police.

JOHN TYLER.

Washington, December 7, 1841.

TWENTY-SEVENTH CONGRESS, SECOND SESSION.

[A full list of the members' names will be found on page 195, volume 60, of the Register.]

DECEMBER 6. The president of the senate took his seat at 12 o'clock, and, having called the body to order, the following senators were found to be present, viz:

From Maine—Messrs. Evans and Williams.
From Massachusetts—Mr. Bates.
From Vermont—Messrs. Fretwell and Phelps.
From Connecticut—Messrs. Huntington and Smith.
From New York—Messrs. Tallmadge and Wright.
From New Jersey—Mr. Southard.
From Pennsylvania—Messrs. Buchanan and Sturgeon.
From Delaware—Messrs. Clayton and Bayard.
From Maryland—Mr. Kerr.
From Virginia—Messrs. Archer and Rives.
From North Carolina—Messrs. Graham and Mangum.
From Louisiana—Mr. Mouton.
From Kentucky—Mr. Clay.
From Ohio—Messrs. Allen and Tappan.
From Indiana—Messrs. Smith and White.
From Illinois—Mr. Young.
From Missouri—Messrs. Benton and Linn.
From Arkansas—Mr. Fulton.
From Michigan—Mr. Porter.

On motion of Mr. Bayard, and
Ordered, That the secretary of the senate inform the house of representatives that a quorum of the senate is assembled, and that the senate is ready to proceed to business.
On motion of Mr. Kerr, the usual number of papers were ordered to be furnished each senator, not exceeding more than three daily papers.
A message was received from the president of the United States informing him that a quorum of the two houses had assembled, and that congress is ready to receive any communications he might be pleased to make. The senate proceeded to consider the resolution of the house; and, having concurred in the same, it was ordered that the chair appoint a committee on the part of the senate, whereupon Messrs. Bayard and Bates were appointed.

On motion, the senate then adjourned.
On motion of Mr. Pierce and Mr. Woodbury, of New Hampshire, and Mr. McKim, of Illinois, appeared in their seats.
Mr. Bayard, from the committee appointed on the part of the senate to join that of the house of representatives to wait on the president, reported that the president had been waited on in compliance with that resolution, and that a message would be communicated in writing at 12 o'clock.
A few minutes after 12 o'clock a message was received from the president, through Robert Tyler, esq., which having been read by the secretary—
On motion of Mr. Mangum, the message and documents were ordered to lie on the table and be printed.
Mr. Smith, of Indiana, moved that the usual number of copies of the documents and the message be printed.
Mr. Benton said that he could not vote for the extra number of copies which had been voted for, on account of pressing his opinion briefly upon the message, and particularly in reference to that feature of it which related to the new "fiscal agent." Looking over the message, as it was read, he saw the outline of the plan of the president, and learned enough to know what were the details of the plan to be furnished to the treasury. I apprehend, said Mr. Benton, that no details of such a plan can meet any part of my approbation. I regard it as flagrantly unconstitutional, and eminently dangerous to the country. The federal government was called upon to issue paper money; and as the constitution forbids draughted congress had no power to issue bills of credit, or paper money. The attempt or proposition to give such power failed to be established. The plan now proposed was to make the government a hard money government, and the proposition in the message was to do not only what was not granted, but what was positively denied.

The proposition to issue bills of exchange for commerce was a new invention, utterly unknown to Gen. Hamilton when he proposed a bank of the United States. The plan was not only utterly unknown to him, but it was invented by Mr. Biddle for the purpose of making this government a furnisher of bills of exchange. Mr. Biddle brought it forward for the purpose of changing the government from a hard money to a paper money government. I entirely object, (continued Mr. B.) to allowing this government to become a furnisher of exchange. The power to furnish bills of exchange is not to be found in the constitution, nor any power equivalent to it. While we are called upon to furnish bills of exchange for commerce, which we are not to be called upon to furnish drafts for farmers? Such a power was utterly unknown to the constitution and wholly pernicious in its practice. It was nothing more than the British exchequer system revived. It began with the first Congress, continued with the second Congress, and had been handed down to the present time. It was the system by which the British government had lost nine millions sterling. The one system was borrowed from sir Robert Walpole and the other from Mr. Biddle, who was in the city a few weeks since, and, without doubt, furnished it for the government.
But this is not the issue to discuss this question. Formerly, the message was gone into regularly, and contributed to regularity of debate afterwards, but the occasion for discussion did not now present itself, nor would it be treating the president of the United States with proper respect to do so; but I could not sit still and permit the message to pass through this chamber without expressing my entire repugnance to the system proposed, regarding it, as I do, as eminently unconstitutional, calculated to change the currency of the constitution to a paper money currency—to abandon the hard money government of our ancestors, and borrowing, instead of it, a system borrowed from sir Horace Walpole, the wisest and the glory times of Queen Anne. We propose to go far beyond what General Hamilton advocated. He utterly repudiated the idea of exchange, which was now proposed, in addition to the plan to issue paper money by the government. The two plans have no inter-relationship, and I shall avail myself of the earliest appropriate opportunity to discuss this question, said, by arguments and by references against what I regard as a formal proposition to change the hard money system of our government into that of the paper money system of Great Britain, and which had increased the debt of that government, from the reign of the first James to the sum of three hundred millions sterling into the enormous amount of three hundred millions.

The chair stated that the number of copies ordered to be printed had varied at different sessions.
Mr. Smith then suggested that fifteen hundred copies of the message and accompanying documents, and three thousand five hundred additional copies of the message, be printed; which having been agreed to—
Mr. Bayard moved that when the senate adjourn, it adjourn to meet at 12 o'clock; which motion having been agreed to—
The senate then adjourned.

DECEMBER 8. The following senators appeared today in their seats: Messrs. Dixon and Sumner, of Wisconsin; Messrs. Clayton and Bayard, of Delaware; Mr. Miller, of New Jersey; Mr. Choate, of Massachusetts; Mr. Barren, of Georgia; Mr. Merrick, of Maryland.
A resolution submitted by Mr. Archer, that two chaplains, of different denominations, be elected to congress during the present session, and by each denomination a sermon weekly, was adopted.
The senate then, on motion of Mr. Huntington, adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, DEC. 6. At 12 o'clock M. the speaker of the house of representatives, hon. John White, took the chair and called the house to order.
The clerk of the house, Matthew W. Clark Clarke, esq., called the roll, when the following members appeared to their names.
Maine—Nathan Clifford, Wm. P. Fessenden, N. S. Littlefield, Benjamin Randall.
New Hampshire—Charles G. Atherton, Edmund Burke, Ira A. Eastman, John A. Rodman.
Massachusetts—John Quincy Adams, Nathaniel B. Bonder, George N. Briggs, Barker Burnett, Wm. B. Calhoun, Caleb Cushing, Charles Hudson, William Parmenter, Robert C. Winthrop.
Rhode Island—Robert B. Cranston, Joseph L. Tilghust.
Connecticut—Wm. O. Boardman, John H. Brockway, Thomas B. Osborne, Truman Smith, Joseph Trumbull, Thomas W. Williams.

Vermont—Horace Everett, Hiland Hall, John Matlock, William Stiles, Augustus Young.
New York—Alfred Babelock, Daniel D. Barnard, Bernard Blair, Sam'l S. Bowne, David P. Brewster, Timothy Chiles, Thos. C. Chittenden, John C. Clark, Stanley N. Clarke, James G. Clinton, Richard D. Davis, Andrew W. Doig, Millard Filmore, Charles A. Floyd, John H. Floyd, A. Lawrence Foster, Seth M. Gates, Samuel George, John Houck, Jr., Hiram P. Hunt, Archibald L. Linn, Samuel Partridge, Lewis Riggs, Jas. I. Roosevelt, John Sanford, Aaron Ward, Fernando Wood, John Young.

New Jersey—John B. Ayer, Charles, William Halsted, C. Stratton, Thos. Jones, Jr.

Pennsylvania—Henry W. Beeson, Benj. A. Bidlack, Chas. Brown, James Cooper, Joseph Fornace, James Gerry, Thomas Henry, James Irvin, Wm. W. Irwin, Wm. Jack, Francis James, Geo. M. Keim, Joseph Lawrence, Albert G. Marehand, Peter Newark, Arnold Fluider, Robert Ramsey, Wm. Simonton, John Snyder, George W. Toland, John Westbrook.

Delaware—George B. Rodney.
Maryland—Wm. Cost Johnson, John F. Kennedy, Alexander Randall, Augustus R. Sellers, James W. Williams.

Virginia—Richard W. Barton, John M. Botts, Walter Coles, Thomas W. Gilmer, Wm. L. Goggin, Wm. O. Goode, Wm. A. Harris, Samuel L. Hays, George W. Hopkins, Edmund W. Hubard, Cuthbert Powell, Wm. Smith, Lewis Stearns, Alexander H. H. Stuart, George W. Summers, John Taliaferro, Henry A. Wise.

North Carolina—Green W. Caldwell, John R. J. Daniel, Edmund Deberry, James Graham, Kenneth Rayner, Augustine H. Shepperd, Edward Staley, William H. Washington, Lewis Williams.

South Carolina—R. B. Rowland, R. B. Rowland, Georgia—Richard W. Habersham, James A. Meriwether.

Kentucky—Landaff W. Andrews, Linn Boyd, Wm. O. Butler, Garrett Davis, Bryan O. Owsley, John Pope, John B. Thompson, Philip Triplett, Aaron R. Underwood, John White.

Tennessee—Thomas D. Arnold, Aaron V. Brown, Milton Brown, Wm. B. Campbell, Thomas J. Campbell, Robert L. Caruthers, Meredith P. Gentry, Cave Johnson, Abraham McClellan, Hopkins L. Turney, Harvey M. Watterson, Joseph L. Williams, Christo. H. Williams.

Ohio—Sherlock J. Andrews, Benjamin S. Cowen, Ezra Dean, Wm. Doan, Joshua R. Giddings, P. G. Goode, Samson Mason, Joshua Mathiot, James Matthews, Wm. Medill, Calvary Morris, Jeremiah Morrow, Nathaniel G. Pendleton, Joseph Ridgway, S. Stokely, George Sweetney, John W. Wells.

Louisiana—John B. Dawson, John Moore.
Indiana—Andrew Kennedy, Henry S. Lane, Geo. H. Proffit, Richard W. Thompson, David Wallace.

Illinois—Zadok Casey, John Reynolds, John T. Stuart.
Alabama—Geo. S. Houston, Wm. M. Payne.

Missouri—John C. Edwards, John Miller.
Arkansas—Edward Cross.

Michigan—Jacob M. Howard.
Iowa—Augustus C. Dodge, delegate.
The hon. Henry Dodge, member elect from the territory of Wisconsin, was qualified and took his seat.

The hon. Francis Gregory, member elect from the state of New York, vice hon. John Greig, resigned, was qualified and took his seat.
A message was received from the senate, by the hands of A. Dickens, esq. secretary thereof, informing the house that a quorum of the senate had assembled, and that that body was ready to proceed to business.

Mr. W. C. Johnson rose and said he availed himself of this occasion to say that, at the last session of congress he had been placed at the head of one of the most important committees of the house, and that it might be possible that the speaker would be resigning the committee, would again place him (Mr. J.) in the position he then occupied. He requested the speaker to discontinue his (Mr. J.'s) name from that committee. He made this request because the measure most important in his consideration, and in which he felt the deepest interest, had already been passed, and although there were many other subjects of great importance which might come before that committee, yet there were none in which he felt so great an interest.

Another reason which he had for making this request was, that he proposed, in the progress of this session, and on the earliest suitable occasion, to move the appointment of a select committee on the subject of a national fund.

Whilst he was on the floor, he would submit a motion that the rules and orders of the 26th congress be adopted as the rules of this congress until otherwise

ordered, or until the rules reported by a committee which had heretofore been appointed should be taken up and disposed of.

Mr. Adams said he had an amendment to offer to the proposition of the gentleman from Maryland. (Mr. A.) was perfectly willing to adopt the rules of the 26th congress, as they existed at the close of the second session of the 26th congress, with the exception of the 21st rule. (Laughter.)

There.—The rule referred to is in the following words:

"No petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia or any state or territory, or the slave trade between the states or territories of the United States in which it now exists, shall be received by the house, or entertained in any way whatever."

Mr. A. had prepared a resolution, he said, which he would now offer as an amendment to the resolution of the gentleman from Maryland, and which was then read as follows:

"Strike out all after the word *resolved*, and insert: That the rules and orders for the transaction of business in the house of representatives in force at the close of the second session of the 26th congress, except the 21st rule of the house, be and are hereby adopted until the further order of the house."

It would be glad to see the rules, as they existed at the close of the second session of the 26th congress, adopted, with the exception of the 21st; that rule had been expressly excluded at the last session by three distinct votes of the house.

Mr. W. C. Johnson modified his proposition to read as follows:

Resolved, That the rules and orders of the 26th congress, as they were at the close of the said congress, be the rules and orders of this congress until others are adopted."

All that he proposed to do was to adopt the rules and orders until such time as the rules and orders of the house could be regularly revised.

Mr. Adams reminded the gentleman from Maryland that the rule adopted at the last session of congress extended to all petitions. It did not refer at all to adoption petitions; but it provided that objection should be considered made to any petitions, with some special exceptions.

Mr. Fillmore said he foresaw that it was indispensable that this question should now be settled; and the only point to be decided was, what was the best mode. It seemed to him that the rules of the last session might with great propriety be adopted for a limited time.

Mr. Stansy, in order, he said, to carry out the views expressed by the gentleman from New York (Mr. Fillmore), desired to offer the following resolution, which he hoped would receive the sanction of the house, and which was read as follows:

Strike out all after the word *that*, and insert the following: The rules adopted by this house at the last session be the rules for the government of this house for fifteen days, unless others shall be adopted before the expiration of that time.

Resolved, That the report of the committee on rules made near the close of the last session, be printed for the use of this house, and made the special order of the day for to-morrow, and for each succeeding day until the same is disposed of.

Mr. S. remarked that he thought it was apparent that, if this resolution was adopted, the house would be organized without delay. The committees could then be appointed; the rules reported by the committee could be printed, and the house could go on in the usual order of business. He hoped the house would not present the disgraceful scene of being again without rules and without organization. He hoped the majority (though he confessed he did not know exactly where or what it was)—but he hoped that those who were desirous of transacting the public business would come forward and organize; and, to let the country see who were willing to do so, he would now, if in order, move the previous question.

Mr. Proffitt rose, and was addressing the chair—

Mr. Speaker. The previous question has been made.

Mr. Adams submitted that the motion was not in order.

The speaker said that the motion was in order, the house being now governed by the parliamentary law.

Mr. Adams. I have a great objection to the proposition of the gentleman from North Carolina, (Mr. Stansy).

Mr. Proffitt inquired of the speaker if the previous question had been moved.

The speaker. Yes.

Mr. Proffitt. Is it debatable?

Mr. Proffitt said he understood that the question was debatable, so far as regarded the propriety of putting the previous question.

The speaker said that the question of the propriety of putting the previous question would admit of a very limited debate.

Mr. Proffitt proceeded briefly to oppose the motion for the previous question. It was, he said, unconstitutional, and contrary to the spirit of the constitution, that members should be called upon to vote without having an opportunity of expressing their sentiments. He thought the question ought to be decided; and, if responsibility was to rest any where, let it be upon those who brought abolition petitions into this house.

Mr. Stansy. I call the gentleman to order. We shall not, I hope, discuss abolition petitions yet.

The speaker said the gentleman from Indiana (Mr. Proffitt) must confine himself to the point of the propriety of putting the previous question.

Mr. Proffitt said he was showing why the previous question should not be put. He had a circular on his table, with black lines (he was understood to say) drawn round it, calling upon him and others to meet this question as the question of the session—

Mr. Stansy inquired of the speaker if this was in order.

Mr. Proffitt submitted to the chair that he was strictly in order.

The speaker said he thought not.

Mr. Proffitt believed, he said, that he had a right to show why he and others should speak their sentiments on this subject. He wished to show that there was a regular abolition party in this country.

Mr. Stansy hoped the speaker would enforce the rules.

The speaker called Mr. Proffitt to order, and decided that his remarks were not in order.

Mr. Proffitt said that the speaker decided that in the absence of all rules the previous question could be moved or recognised, he (Mr. A.) would appeal from that decision. The proposition of the gentleman from North Carolina (Mr. Stansy) prevented the presentation of all petitions for fifteen days.

There was, he said, a rule of the house—and a most valuable rule it was—which provided that for the first thirty days of the session petitions should be the order of the day. If this privilege was taken away for one petition, it was thus taken away for all petitions for fifteen days to come.

Mr. Proffitt here interrupted Mr. Adams, with the remark that he (Mr. P.) had not yielded the floor; nor had he understood the speaker as deciding him to be out of order.

The speaker said he had decided the gentleman to be out of order. The gentleman had a right to appeal.

Mr. Proffitt appealed, and inquired if the appeal was debatable?

The speaker said the gentleman could state the grounds of his appeal.

Mr. Proffitt said they were these. He was not transgressing the strict limit of showing why the question was called; he was showing the reasons why these petitions ought not to be presented, and why he ought to have an opportunity of presenting his opinions on the subject. He wished to show that there was a regularly organized abolition party—having a committee (he was understood to say) the number of congress at the head of it—and a committee of attendance here to aid in the question.

The speaker said that, under the parliamentary law, the debate allowed on the appeal was very limited. It must be confined exclusively to the previous question alone.

Mr. Proffitt then withdrew his appeal, and took his seat.

Mr. J. Q. Adams submitted to the speaker that, in the absence of rules, the previous question could not be recognised or moved.

The speaker decided that, in the absence of written rules, it had been the practice of the house of representatives to be governed by the *lex parliamentaria*, in which the previous question was recognised, and that in cases analogous to the present, the previous question had been moved, recognised and put in the house, and that he should therefore receive the motion for the previous question.

Mr. Adams, alleging that the law of parliament was not the law of this house, and without the sanction of the house itself, appealed from the decision of the speaker, and asked the yeas and nays; which were ordered.

Mr. Gilmer inquired of the speaker by what authority the parliamentary law of England was understood to be the law of this house. (Mr. G.) understood that no vote of this house had been taken adopting what was called the parliamentary law of England as the rule of its proceeding.

The speaker said that there was certainly no written law, or adopted rule, by which the parliamentary law, or any other law, governed this house until re-

gular rules of proceeding were adopted. But such was before the rule, and such was the precedent.

Mr. Gilmer considered it a very imperfect rule, he said, and if called upon to vote, he should himself vote against it.

Mr. Everett, in reply to the objections of Mr. Gilmer, submitted that the law which they were now called upon to adopt was not the British law, but that which had been adopted by the usage of this house. On that ground he should sustain the decision of the chair.

Mr. Cushing was of opinion that there was an existing parliamentary law, and he was in favor of sustaining it.

The speaker having again defined the limits of the debate—

Mr. Charles Brown thought, he said, that the house was again moving in the same circle as it had done heretofore. He was in hopes that they had met in a different spirit; but since there was a determination evinced to go round in this same circle, he would say something of a character similar to that which he had said on a former occasion. He wished to know where the parliamentary law was to be found.

The gentleman from Massachusetts (Mr. Cushing) had said that he was anxious to admit of discussion in the speaker. So, also, was he, (Mr. B.) If the speaker would point to the book—to the written code of parliamentary law, by which his decisions were guided, he (Mr. B.) might possibly be willing to adopt it. But until that was done by the speaker, it was undoubtedly within the discretion of the speaker to determine as he thought proper every question that might arise having reference to the order of the house. If *ex necessitate*, they were to adopt any temporary law, then it was the law of the last session. He was opposed to this parliamentary law, because it was not where it was; and he was in favor of leaving it to themselves, as the representatives of the people, to be governed by their own sense of what was right, until proper rules should be agreed upon. He was opposed to the previous question—it was calculated to throw the house into a state of irritation. He trusted that the house would allow itself to be governed by the law of the house, and that it would then adopt such rules as would conform to its own peace and harmony, and to the transaction of the public business.

Mr. Wise said he perceived that if they began this debate, they would be very apt to delay the business of the house and the nation beyond a reasonable time. The senate had already organized, and courtesy demanded that the house should respond to its message; and, that something might be done besides discussion, with the general consent of the house, he would move that a committee be now appointed to join such committee as should be appointed on the part of the senate, to wait on the president of the U. States and inform him that the two houses of congress were now assembled, and ready to proceed to business. He made this motion, as it was the most favorable moment; as otherwise, if they became involved in this debate, they would not get the message of the president to-morrow.

Mr. Briggs appealed to the gentleman from Virginia to enable him to offer a resolution, which should now be received with general consent, out of courtesy to the senate. Mr. Wise, in response to this request, Mr. B. sent to the chair a resolution providing that a message be sent to the senate informing that body that a quorum of this house had assembled, and that the house was ready to proceed to business; which resolution was adopted.

Mr. Wise then offered the following resolution, which was read by the clerk:

Resolved, That a committee be appointed on the part of this house, to join such committee as may be appointed on the part of the senate, to wait on the president of the United States and inform him that a quorum of the two houses is assembled, and that congress is now ready to receive any communication he may be pleased to make.

Mr. Lewis Williams said if they received the message they could do nothing without rules.

Mr. Briggs said the speaker had decided that the parliamentary law existed.

The question was then taken, and the resolution offered by Mr. Wise was adopted; and Messrs. Wise, Briggs and Clifford, were appointed the committee.

The question now recurring on the appeal taken by Mr. Adams from the decision of the chair.

Mr. Adams said he was satisfied that the gentleman from Massachusetts had been in a serious strain the force of parliamentary law in this house while he occupied the speaker's chair. It would be acknowledged that at the beginning of every previous congress, the existence of parliamentary law had been recognised by the government of the house.

Mr. Adams said, whenever the government of any parliamentary law took place during the time and the honor of sitting in the speaker's chair, it was by

RAILS' NATIONAL REGISTER.

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THE names of the members composing the committees of the two houses of congress, will be found on pages 254 and 255.

THE RIGHT OF VISITATION. The correspondence between Mr. Stevenson our late minister in London and Lord Palmerston late minister and Lord Aberdeen, the present minister of foreign affairs, in relation to the difficulties growing out of the slave trade, will be found in the present number.—The difficulty is susceptible of amicable adjustment. The N. York Commercial Advertiser of Tuesday says, in relation to a reciprocal right of search—"We have reason to believe that a proposition for this object, capable of being made entirely unobjectionable on our part, is now or soon will be taken into consideration by the British government, and in due season presented to the government of the United States. With the principle of the measure we are thoroughly acquainted, and can see no fault in it; but, until its details are perfected, we do not feel at liberty to say more."

MEXICO—YUCATAN.

THE TEXAN EXPEDITION TO SANTA FE CAPTURED BY THE MEXICANS. The last New Orleans Bulletin contains accounts from the capital of Mexico which corroborates a previous account. It says: "We have been shown a semi-official letter from a high public functionary in the Mexican capital, which states explicitly that the Texans had been captured entire, and were held as prisoners by the Mexican troops. We vain would hope that these accounts may not be well founded—that our brave friends may not have been overpowered by ruthless numbers and that they may yet return in safety and freedom. But our hope was weak."

We learn verbally by the same arrival, that information had been received of the arrival in Yucatan of five Mexican commissioners, charged with special powers for arranging with that state the terms on which she would recognize a neutral status of the Mexican republic, now that the mother country has resumed her acknowledged duty, and embraced the federal republicanism of 1824. Most of the Mexicans believe that Yucatan would readily agree to return and again become a Mexican state. We shall shortly see.

STATES OF THE UNION.

FACILITIES FOR TRAVEL AND TRANSPORTATION. The Bostonians are going ahead not only in competition with the New York for the steamboat lines which connect us with Europe and promise in a short time to make that connection still more frequent and convenient, (more so perhaps than may be wholesome), but also, towards securing a large share of the travel and trade with the lakes, and with the vast region of the west, which the New Yorkers supposed they had a clear title to, at least north of Hudson.

The New York American of the 24th ult. says: "The eastern rail roads connecting with Albany are in such rapid progress of accomplishment, that before the winter frost sets in, the whole line, from Boston to Albany, will, it is understood, be completed, and that from Bridgeport Connecticut, following the beautiful valley of the Housatonic, will connect with the Massachusetts road at West Stockbridge, excepting, perhaps, a section of fifteen or sixteen miles, which, until spring, will be traversed by coaches.

Already there is a regular daily line from Hudson to Boston.

The city of New York seems to look snipely on all this, as though natural advantages, without any effort on the part of those who enjoy them, would suffice to guard us against any danger from the intelligent, enterprising and active competition of our northern neighbors. To be sure, the practical benefit derived from the working of the first link in the Erie rail road has somewhat aroused the attention of our citizens, and they begin to feel that, as a city, New York must bestir herself in accelerating the completion of this great enterprise. But meanwhile, let us derive such benefit as we may from the eastern roads. The Housatonic rail road offers in the way of winter travel and transportation to Albany, the best route that can be followed.

Bridgeport harbor is always accessible to steamboats, whenever they can pass the narrow strait of Throgs neck; and thus by steamboats and rail roads, the journey to Albany may be performed with only 16 miles of staging. When the perils of winter traveling through our Highlands (greater than those of a voyage to Europe and back), are considered, it will be deemed no small advantage to be able to reach the state capital by a safer though more circuitous route; and as Albany will overflow this winter with a fresh class of the "spoilsmen," we think it only reasonably philanthropic to apprise them thus early that the Bridgeport route offers greater security, and despatch too, probably, than in the Red Bird coaches, or coaches of any other line or company. As to the New York and Albany rail road project, that seems to have been pretty effectually quarrelled out of existence; and perhaps the best substitute under the circumstances would be for the Harlem rail road to seek a connection with the Housatonic rail road. That would be the quickest and cheapest, though systems, it may be deemed less consistent with state pride.

WINTER ROUTE TO NEW YORK. The Highlands will be avoided, hereafter, as a winter route to New York. Rail road improvements will have opened three new routes. The first and quickest will be by the western rail road to Stockbridge, then by stage 23 miles to Canaan; thence by the Housatonic rail road to Bridgeport; and thence by steamboat to New York—distance 180. The next is by rail road from Albany to Springfield; thence by stage 23 miles to Hartford; thence by rail road to New Haven, and thence by steamboat to New York—distance 200 miles. The third route will be by stage to Groton, Orange county, and thence by the New York and Erie rail road to New York, distance 170 miles.

[Albany Eve. Jour.

The messages of the governors of Virginia, Ohio and Indiana have been received. The accumulation of national documents precludes farther reference to them at this week. The education convention assembled at Richmond, closed their labors on December 11th. On that day they were in session from 9 A. M. to 7 P. M. The Enquirer states that—"They have recommended to the legislature some of the wisest reforms, of which our present system appears at this time to be susceptible—the district free school system, its more efficient and consistent modification, as far as such a system is practicable;—preserving until the innovation proposed can go into effect, the present system which, in spite of its defects, has been productive of so much benefit. They have recommended the intermediate institutions to the state to be wiser. The education convention assembled here through their instrumentality to the production of better teachers for our elementary schools. They have recommended an enlargement and modification of the military institute system, having an eye also to the same wise provision; the manufacturing of the raw material of mind, (taken from the great body of our youth, selected, according to merit), into excellent teachers, to be returned to the great mass again, in order to manufacture that raw material itself.

PENNSYLVANIA.

PHILADELPHIA. POTTSVILLE RAIL ROAD. We may now announce with every certainty, that the Philadelphia and Pottsville railway will be completed to the mines before the close of the year 1841, or in the course of the next two months. No greater

bleasing could possibly be conferred on that region, which may henceforth consider its supremacy in the coal trade fully secured; and they may well be proud of this rail road as embracing more of the qualities which constitute perfection in such a work, than can any where else be presented. [Rail Road Jour.

GEORGIA.

We copy from the Augusta Constitutional of December 7, the following message of the governor.

EXECUTIVE DEPARTMENT,

Montpelier, Dec. 1. 1841.

With my message of the 3d ult. I had the honor to communicate to you the copy of a correspondence with the governor of New York, relating to a demand which I had made upon him, for the arrest and delivery of John Greenman, a fugitive from the justice of this state, charged with the larceny of a slave, upon the affidavit of Robert W. Flournoy. At a superior court of Chatham county, held after the making of the affidavit by Mr. Flournoy, John Greenman was indicted for his offence by the name of Alanson Greenman, a name assumed by him, doubtless to escape detection. To remove the difficulty and scruples of the governor of New York, in relation to the sufficiency of the charge contained in the affidavit, I renewed the demand, based upon the indictment, a copy of which, authenticated as required by the act of congress, was transmitted. You will perceive, from the correspondence, a copy of which is herewith transmitted, that another protest has been raised by Governor Seward for evading the performance of his constitutional obligations. It is pretended by him that the bill of indictment is defective, and he has undertaken the office of counsel for the accused, by taking untenable technical exceptions to the proceedings. I have answered them, as you will perceive, but I have been obliged to add, that it was unnecessary to adduce either argument or reason to his understanding, or to remind him of the necessity of executing, in good faith, according to the letter and spirit, the wise provisions of the constitution, by which the states are enabled, in giving efficiency to their criminal laws, to maintain the peace and safety of society.

While he declines complying with my demand, on the ground of a pretended defect in the indictment, he indicates the intention, in no equivocal terms, should his objections to our judicial proceedings be overcome, to sustain his refusal on principles no less unwarranted by the constitution, than offensive to the people of our state.

There should be no longer delay in settling authoritatively the manner in which fugitives from justice are to be delivered, when they are found in another jurisdiction. Congress has the unquestionable authority, under the constitution, to regulate this matter, and it is clearly the duty of the general government, to cause fugitives from justice, who escape from the state in which the crime was committed, and are found in another, to be delivered up, upon the demand of the executive authority of the state having jurisdiction of the offence. But inasmuch as the mode provided by congress, for discharging this high obligation, is defective, and the safety of society, and the security of property, has proved inefficacious, and as no disposition is manifested by the federal government to remedy the defect, the subject is of sufficient importance to justify a convention of the states, to take it into consideration.

But we should not infer, for a moment, the adoption of measures for our own safety. The regulation heretofore recommended by me, would ensure the safety of our property, and prevent all interference with our slave population. Any other constitutional measure, however, which your wisdom may suggest, as expedient and proper, for the attainment of these desirable objects, shall have my concurrence.

CHARLES McDONALD.

ALABAMA.

Extract from an address delivered before a literary society in the university of Alabama, by Alexander B. Meigs, esquire.

"The overthrow of Napoleon was followed by the expatriation of many thousands of those who had been the most conspicuous maintainers of his colossal power. Of these a large number came to the United States. Among them were generals, who had

love of justice, no less than a sense of duty to the people, may induce you to give me a privilege in your columns especially as I know the Reporter circulates very widely throughout the west.

The excellent memorial people of Illinois relative to the growing state liabilities, has been spontaneous, and so far as my observation extends, universal, particularly among the farmers. The charge brought against me of originating this excitement, is peculiarly inapplicable, since the discussion of the subject in this county which led to the adoption of the memorial was commenced some time before my knowledge. A county meeting was called, which assembled in this place on the 17th Feb. last, at noon day, in the court house, which was filled to overflowing, when the memorial so much condemned was brought forward and adopted with almost unparalleled unanimity. Seven persons were voting in the negative. This memorial was published with notice of the vote and other proceedings, and the signatures of the president, secretary and committee of seven, who reported the memorial attached. Several hundred copies were distributed among the people of this county, and a portion sent to other parts of the state and the country. The memorial and its proceedings, that are no less strong in denouncing the transactions under which the state debt was incurred than those of Bood, and were no less extensively circulated, were published about the same time.

By this mail I inclose you printed copies of the proceedings of the above mentioned county meeting. It is not extraordinary, that after the lapse of eight months, "ten citizens of Illinois" in the city of New York, should discover that this public demonstration, so unfavorable to the sale of state bonds, was a mere "farce," and the work of one disorganized.

The Bond county memorial ought not to be condemned by those who have never read it, nor by those who do not understand the circumstances under which the state debt has been created. One very important misapprehension exists relative to the character of this debt—that is,—in classing it with other state debts. It has been deliberately constructed, with the knowledge and consent of the people,—that are not excessive in amount,—and that are correctly and judiciously invested. To divert the proceeds of such an investment from a public creditor, would require a degree of moral obliquity which it is to be hoped the people of no American state possess. It is to be hoped, that the Illinois state debt is entitled to no one attribute of this category. On the contrary, that it has been inconsiderately made, without the knowledge or consent of the people,—that it is overwhelming in amount,—and that the money procured has been wretchedly squandered.

It is very important to the holders and to the purchasers of Illinois bonds to possess a correct knowledge of our state debt, and of the ability and disposition of the people to pay it. I will not say that the "ten citizens of Illinois" in their address to bond holders have wilfully misrepresented or withheld facts, but were I required to give an opinion of their statements I should pronounce them altogether erroneous,—and no honest man who is aware of the wide spread misery which falls upon the innocent purchasers of such security, or upon their destitute and helpless families, can remain silent whilst so fatal a misconception on this subject prevails.

The obstinacy of the people in sustaining a delusion relative to the value of stocks, has been too well exemplified in the case of the late bank of the United States. An experienced dealer, however, is thoroughly aware of the fact, that that stock which declines in the market to fifty cents or less on the dollar, and continues to decline, after sufficient time has been allowed to inquire into its intrinsic value, never rises again, but must continue to sink, until the market is relieved of the nuisance. Yet he will buy and sell so long as dupes may be found to purchase.

In November, 1840, a statement made by Dr. Barrett fund commissioner, disclosed to the people of Illinois the true state of the public debt, amounting to thirteen millions six hundred and forty thousand dollars. The message of Governor Carlin to the legislature corroborated this fact. About twenty-six hundred thousand dollars of this amount was supposed to be at the disposal of the state bank. With regard to the balance, it can be enough here to say that it was instituted like many others of less magnitude under the illusory impression that the legitimate object of banking was not to afford the opportunity for those who had money to lend, to effect that object with safety and convenience to themselves and advantage to the public,—but for the purpose of furnishing means to men anxious to extend their business, whose spirit of enterprise outrun their credit. It is known that a considerable portion of these bonds were not under the control of the bank a

year since, and that the state bonds have been sold at fifty-six cents on the dollar, whilst the bank stock has been at no time higher than thirty-five since that period. The bank is now under its fourth year of suspension. The dividend last year accruing to the state from this institution was six thousand five hundred dollars.

It is perhaps in the power of no one to determine the present amount of liability incurred by the profuse issue of bonds, state scrip and drafts, no official account having reached the public since the suspension of the legislative session in November 1840. Among the wild provisions of the unconstitutional revenue act of February last, the governor is required to issue bonds for the purpose of paying interest on the state debts, which bonds shall be sold by the fund commissioners "for the best price they will command."

By an act of the preceding December, bonds to the amount of three hundred thousand dollars were hypothecated to meet the interest due in January on a portion of the state debt. The amount of state scrip issued for other purposes during the session of 1840-41, or of unregistered bonds, scrip and drafts issued since that time, is unknown to the people. In August last the appearance of a new issue to the amount of one million was announced in the New York American. It is to be hoped that the eight hundred and thirty-four thousand to McAlister and Stebbins may be included in this new issue. It is a well known fact that the works upon the Illinois and Michigan canal have been diligently prosecuted throughout, during this season, and that the rail road to connect Springfield with Jacksonville and the Illinois river has also been prosecuted and its completion promised during the present year. There appears to be no direct appropriation by law now in existence for the prosecution of the canal, but it is well understood that under the divers enactments, re-enactments, repeals, partial repeals and provisos, engendered by the internal improvement system, an authority may be found, at least by implication, for any issue which the executive can be induced to make.

In Governor Carlin's message already alluded to of November 30, 1840, he makes the total amount of state liabilities \$13,643,601 83. He then remarks, "deducting from the above amount 1,336,419 44 being the amount of surplus revenue, and bonds sold which are not paid for, and the state pays interest upon 13,307,182 39 annual interest thereon 732,430 92." So that he does not even expect that this statement. It will be remarked that the recent hypothecation of bonds to meet the semi-annual interest to July last upon eleven millions due in Europe was at the rate of forty cents upon the dollar. We will now add the debt and interest together up to January 1842.

Amount of debt November 30, 1840, by report of the governor and fund commissioner	\$13,643,601
Amount of bonds issued under act of Dec. 1840, to meet interest	300,000
Amount of specific appropriation for Northern Cross rail road	100,000
Amount of 1 year's interest on 12,607,000 to be met by hypothecation of state bonds at 40 cents on the dollar	5,990,000

	15,933,000
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This view will show us that the debt on the approaching winter cannot be less than six millions. To this must be added the whole expense of works on the Illinois and Michigan canal for the present year. This amount may be conjectured from that of the last year, which was about fourteen hundred thousand dollars. Allowing the labor to be more economically applied, the state bonds, which comprise the whole stock in trade, have depressed in market value not less than 25 per cent. since November last. It would be safe to add one hundred thousand to the appropriation for the Northern Cross rail road, since the labor heretofore done upon that road required a million.

The unknown amount of bonds, scrip and drafts may prove to be some hundreds of thousands, but we will call it one hundred thousand dollars only. It will thus appear that the probable addition should not be less than the following:	
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For work on the Illinois and Michigan canal for 1841	1,400,000
Additional allowance for Northern Cross rail road	100,000
Miscellaneous	100,000
	1,600,000
To add this undoubted amount for 1841 to shown above	15,900,000
Total of indebtedness to Jan. 1842,	17,500,000

To meet this indebtedness of seventeen and a half millions, there will be the Springfield and Mercedia rail road, and a still unfinished canal. Can any thing be reasonably expected from these sources during the present year? Something may be realised from the bank stock, but it cannot be otherwise than trifling. Yet it would be unjust to cast an indiscriminate censure upon the management of that institution. Its officers are among our best citizens, and its supposed insolvency is an unavoidable consequence of the present principle upon which it is instituted, prematurely developed by the general explosion of the credit system. The next regular session of the legislature will be held in December, 1842. Should the present system be pursued, and nothing can check it but the impracticability of selling state bonds at any price, the liabilities must be rendered to the people. No means can be devised to meet this debt but a resort to direct taxation. Are the people able and willing to bear it?

This state counts a population of less than half a million, and yet probably less than seventy thousand *art tax* payers. The mass of the people live in the first rude log house which was thrown up to protect them from the weather. They have everything to buy, and but little to sell. All that we bring with us is expended in purchasing land, and in making such improvements as are indispensable to the sustenance of our communities. Compare our means with those of the state of New York. The whole trading capital of this state does not exceed two and a half millions in amount, whilst that of New York cannot be estimated at less than one hundred millions. The present state debt of New York is estimated at \$10,000,000. Let her securities sell at a discount of fifteen per cent. What, then, should be the discount on ours?

Our population is thinly scattered over a large territory; ~~straggled~~, not only to the country, but to each other, and but little acquainted with the men who compose the legislative body, and with the motives, welfare, and aims of the government. The general feeling, that those which should promote the general welfare, are in the hands of a few, has produced the ruinous proceedings, has been accused of submitting to bank dictation. The bank is the fiscal agent of the state by a law of 1837; and the whole revenue of the state is paid immediately into the bank. The officers of the government—not only the executive and legislative bodies, but the judicial—cannot receive their pay only by the auditor or warrant drawn upon the state bank of Illinois; which that bank may, and does, honor or reject at pleasure! The mass of our people have no means of obtaining a direct knowledge of these degrading, but important facts—does it follow, that they shall be misled to the amount of all they are to be required to contribute to the support of the constitution of the U. States, and of their own state are an ample guarantee against such legislative excesses. The men who compose the legislative body are the agents of the people; the powers of these agents are defined by written constitutions, which are published, and accessible to every intelligent man, whether in Europe or America. Can it be held that this safeguard is not sufficient, but that the people shall assemble in mass at the seat of government, during their legislative session, to keep their servants within the pale of the constitution? These agents possess no power by which a debt of ten, twenty, and a hundred millions can be incurred, without the sanction of the people. Not a debt has been incurred by any member of this confederacy, without a palpable violation of the constitution which binds these states together. Yet the people of Illinois would not appeal to the constitution for protection did they suppose that they were under a moral obligation to discharge these debts, or that they were under any such shameful deception practised upon the people by their agents. I recommend the perusal of the report of the select committee, appointed by the house of representatives to investigate the scrip accounts of the board of public works during the last session, to the friends of the people, especially to Messrs. A. W. Crary, W. H. Henderson and W. A. Mirshall.

The object of the bond county memorial was to put the legislature and the public on their guard against the further issue of state bonds. The people of Illinois may feel little inclined to do this, but by allowing the amount to increase, all hope of future payment might be wholly extinguished; yet no honest man should remain silent whilst the market is flooded with issues which he must condemn as fraudulent, under the known impossibility of ultimate redemption. And the innocent holders may rest assured, that the very citizens of Illinois may now so anxious to maintain the credit of this preposterous issue, will be the first to turn their backs upon them, when it is ascertained that no more mo-

new cash, raised upon the pretense of a debt of colored people. The legislature may not recognize the debt, but the people will never pay it. The present generation could not do it and were it possible to apply any compulsory process to effect a payment, it would result, not in accomplishing that object, but in degrading the state. Will the people of the next generation assume a debt which their fathers pronounced a fraud?

No unjust personal attack injures no one but the assailant. If I have succeeded in showing the legitimacy and propriety of the bond county memorial, or assisted in opening the eyes of an innocent public to the true value of Illinois bonds, I shall be gratified at having accomplished the object of my letter. Respectfully,
WILLIAM S. WAIT.

From the St. Louis Pennant.

The condition of Illinois is truly deplorable. We first see her sinking in internal improvement funds squandered by profligate legislatures, as commissioners, so that, after an investment of over \$10,000,000 for public works, scarcely a mile of her canals and rail roads has yet been completed so as to afford an income to the state; now comes a ruinous negotiation of her bonds through an agent, and last, though not the least, she has the astounding intimation from an agent in London forced to give up the bonds which were placed in his hands for negotiation.

The editor of the *Alton Telegraph* says that hitherto he has been in favor of paying the interest on the state debt, but now he thinks the only course to pursue is to follow the example of Indiana and stop the bonds. This interest, unless the bond holders will receive the bonds at par, cannot be paid. He remarks: "The impracticability of laying a direct tax upon the people, at this time, the depressed rates of our bonds in the market, notwithstanding the hitherto prompt payment of our interest; and the constant increase of that debt by the continual issue of more bonds which are sacrificed at ruinous rates to pay interest, are all considerations which have awakened in the public mind the most intense solicitude. One thing is very certain, and that is, the people of this state will no longer countenance payment of our interest upon the terms in which it has been done for the last twelve months. The course is a suicidal one, which neither sagacity nor reason can sustain; and the quicker a step is put to it the better it will prove both for our creditors and us."

DOCUMENTS ACCOMPANYING THE PRESIDENT'S ANNUAL MESSAGE.

CORRESPONDENCE

RELATING TO THE DETENTION OF AMERICAN VESSELS ON THE AFRICAN COAST BY BRITISH ARMED CRUISERS.

LORD PALMERSTON TO MR. STEVENSON.

Foreign office, August 5, 1841.
The undersigned, her Majesty's principal secretary of state for foreign affairs, has received two notes, addressed to him on the 13th of November, 1840, and on the 1st of March, 1841, by Mr. Stevenson, envoy extraordinary and minister plenipotentiary of the United States, complaining of the search and detention of the United States vessel "Douglas," and of the ill treatment of the crew by Lieutenant Seagram, of her Majesty's brig "Ternagant," employed on the coast of Africa in suppressing the slave trade.

In these two communications from Mr. Stevenson it is stated that on the 21st October, 1839, Lieutenant Seagram boarded the "Douglas" while she was pursuing her voyage on the coast of Africa, examined the ship's papers and the passengers' passports, broke open the trunks, hauled down the American flag, and seized the vessel as a slave ship. On the 21st of November, 1839, the "Douglas" was kept on board until the 21st of November, 1839, the 29th of the same month; that the officers and men of the "Douglas" became ill from their exposure to the sun, and that, in consequence, three of them died, and the captain is still in ill health. And Mr. Stevenson expresses the confident expectation of the president of the United States that her Majesty's government will make prompt reparation for the conduct of Lieutenant Seagram in this case, and will take efficient means to prevent the recurrence of such abuses.

The undersigned has, in reply, to state that, in pursuance of the wish expressed by Mr. Stevenson on the part of his government, a strict investigation has, by order of the lords of the admiralty, been made into the particulars of this case, and the result is as follows:

Lieutenant Seagram, commanding her Majesty's ship "Ternagant," employed in suppressing the slave trade on the coast of Africa, had been apprized by

the commanding officer of the American ship "Douglas" that coast of an agreement entered into by that officer with Commodore Fairfax of the United States navy, for searching and detaining ships found trading in slaves under the United States flag; and Lieut. Seagram having, on the 21st October, 1839, met with the ship "Douglas," carrying the flag of the union, he boarded her, and made inquiries as to the voyage for which she was bound. Lieutenant Seagram was received on board the "Douglas" with great civility, and a disinclination was shown to reply to any questions relating to her voyage; but he ascertained that she was bound to the river Brass, and he found on board of her seven Spaniards who were going to that river, where no trade but the slave trade is carried on.

Lieutenant Seagram requested to see the papers of the "Douglas," but the captain of the "Douglas" could produce no custom house clearance, and had made an entrance on his log that, on leaving the Havana, he could not procure one, and that he had returned to the harbor to obtain such a paper, but had left the harbor again without it. This circumstance appeared suspicious to Lieutenant Seagram; and, on the 22nd of October, the papers produced by the captain of the "Douglas," he found that the "Douglas" was consigned to a well known slave trader, Don Pablo Teles, who was then on board of her, and to whom the slaving vessels "Asp" and "Lark," which had been recently condemned for slave trade, had been consigned.

Lieutenant Seagram pressed for permission to examine the hold of the vessel, and the consignee gave him permission to examine the hold, because he conceived it was protected by the United States flag; and, under the same impression, he acknowledged to Lieutenant Seagram that her cargo was Spanish, and had been shipped as American solely for the purpose of avoiding seizure.

The hatches of the vessel having then been opened, and Lieutenant Seagram having proceeded to examine her, it was discovered that she was fitted out for the slave trade, with leaguers, loops and staves, a slave deck, in plank, and three complete slave coppers.

Lieutenant Seagram reports that, under these circumstances, he should have sent the "Douglas" to the United States, to be delivered up to the authorities of that country; but that he had received orders from the commanding officer of her Majesty's vessels on the coast of Africa not to send any vessels to the United States until he should have been informed what course the United States government took as to the slave vessels "Eagle" and "Clara," which had been on the United States by the commanding officer, with a view to assist the American government in preventing the abuse of the national flag of the union.

But Lieutenant Seagram, not having received any information on this point at the end of eight days after the detention of the "Douglas," thought it his duty then to release the "Douglas," instead of detaining her longer, or sending her to the United States.

From the facts above stated, there appears little doubt that, if the "Douglas" had been sent to the United States, she would have been condemned for trading in slaves under the flag of the union. And she had been tried by the mixed commission at Sierra Leone, the proofs that the slave trading voyage on which she was engaged was in fact a Spanish enterprise were strong enough to have warranted her condemnation in the British and Spanish courts as a Spanish slave ship.

With respect to the assertion that three men died from the effects of exposure to the sun, in consequence of the detention of the vessel, the undersigned has to state that it appears that the vessel remained, on her own account, in the African seas two months after her detention by Lieutenant Seagram; and that, of her men, two men died until after those two months, there seems no reason to suppose that the death of the two men in question was occasioned by the detention of the vessel by Lieutenant Seagram.

With respect to the statement that Lieutenant Seagram ordered the American flag to be hauled down, it is to be observed that the master of the "Douglas," in his protest declares that he himself, and not Lieutenant Seagram, ordered the United States flag to be hauled down.

As to any loss of provisions or stores, it is stated by the American master that the English prize crew brought their provisions with them to the "Douglas," and he does not even assert that they consumed any provisions belonging to the "Douglas," or that any of the stores of that vessel were lost.

With respect to the allegation of the American master that the prize crew had secreted one demij-

ohn of rum, forming part of the cargo of the vessel, it seems probable that there is an error in that allegation, because the hatches of the vessel were opened and cleared again in the presence of Lieutenant Seagram, and no complaint was made to that officer, either by the master or the consignee, that any loss or damage had been done to the cargo.

Indeed, the master, on resuming the charge of his vessel, declared to Lieutenant Seagram that he had no complaint to make.

From the foregoing statement, it will appear that the visit, the search, and the detention of the "Douglas," by Lieutenant Seagram took place under a full belief, on the part of that officer, that he was pursuing a course which would be approved by the government of the United States; and in his conduct towards the crew of the vessel he appears scrupulously to have avoided any act which would justify any cause of offence to a friendly power.

The undersigned has therefore to express the confident hope of her Majesty's government that, upon a consideration of the whole case, the government of the United States will be of opinion that, although the act of Lieutenant Seagram in detaining a United States slave-ship—indeed, a United States ship—regular, yet the impression under which he did it, and the motives which prompted him to do it, exempt him from any just blame.

But the undersigned cannot refrain from requesting Mr. Stevenson to draw the serious attention of the government of the United States to this case, which affords a striking example of the manner in which the vessels and flag of the United States are employed by Spanish, Portuguese and Brazilian criminals, to protect their piratical undertakings, in utter contempt of the laws of the union, and in open defiance of the federal government.

The undersigned avails himself of this occasion to renew to Mr. Stevenson the assurance of his distinguished consideration.
PALMERSTON.

A. STEVENSON, ESQ., &c. &c. &c.

LORD PALMERSTON TO MR. STEVENSON.

Foreign office, August 5, 1841.
The undersigned, her Britannic Majesty's secretary of state for foreign affairs, has received the note which Mr. Stevenson, envoy extraordinary and minister plenipotentiary from the United States of America, addressed to him on the 27th of February last, complaining that the schooner "Iago," bearing the United States flag, and commanded by Mr. Adolphus Dupuy, had been detained by her Majesty's brigantine "Ternagant," Lieutenant Seagram, and that the schooner "Hero," under the United States flag, and commanded by Mr. B. McConnell, had been detained by her Majesty's brig Lynce.

Mr. Stevenson complains, in the first place, that injury was done in these cases to the purposes of the voyage, and to the cargo and stores on board the vessels detained; and he contends, in the second place, that her Majesty's naval officers had no excuse, and much less any justification, for detaining these vessels; and he adds that it is wholly immaterial whether the vessels detained were equipped for, or actually engaged in, slave traffic or not.

With regard to the allegation of damages done to the cargoes of these vessels, the undersigned begs to remind Mr. Stevenson that the papers which he transmitted to the undersigned show that, in the case of the "Iago," the money which was lost was stolen by the crew of the "Iago" while the master was absent on shore, and that it was not abstracted by the crew of the detaining vessel. And it is fair (to suppose) that the chronometer and the watch which were taken on board the vessel, were taken by the same persons who stole the money.

With regard to the damage said to have been done to the cargo of the "Hero" during the search of that vessel, the undersigned has requested the board of admiralty to cause inquiries to be made upon that matter, and he will acquaint Mr. Stevenson with the result.

With respect to the justification which the British officers are desirous of obtaining these American vessels, with regard to the detention of which Mr. Stevenson says that there is "no shadow of pretence for exercising much less justifying, the right of search or detention of vessels under the United States flag by vessels of her Majesty's navy," the undersigned has to state that the "Ternagant," which was taken on board on the 11th March, 1840, by the commanding officer of her Majesty's ships on the coast of Africa, and the officer commanding the vessel sent by the United States government to suppress the slave trade of the United States on the African coast; and by that agreement those officers, for the purpose of the investigation, were taken by the respective governments respecting the suppression of

the slave trade, requested each other, and agreed to detain all vessels, under the United States flag, found to be fully equipped for and engaged in the slave trade; and it was agreed that such vessels should eventually be handed over to the United States cruisers, if proved to be United States property, and to British cruisers, if proved to be Spanish, Portuguese, Brazilian or English property.

The undersigned would therefore submit that the commanding officers of her majesty's vessels had no reason to suppose that, when giving effect to this agreement by detaining vessels bearing the United States flag and engaged in the slave trade, they were doing a thing which would be disagreeable to the government of the United States.

With respect to the "Iago," the undersigned has to observe that that vessel was fully equipped for slave trade; that the papers found on board of her were of a suspicious character; that the crew but two were Spanish. And her majesty's advocate general, to whom the case was referred, has reported it to be his opinion that the commissioners at Sierra Leone would have been justified in proceeding to the adjudication of the vessel, and that, if the case had been investigated by them, sufficient proof would have been afforded that the vessel was really Spanish, and not American property, and that consequently she was liable to condemnation.

The undersigned trusts that the foregoing statement will show that there is good reason for doubting that any willful damage was done to the cargo of either of the two vessels detained, and that, although it is inadmissible that British cruisers have no right, as such, to search and detain vessels which are the property of citizens of the United States, even though such vessels may evidently be engaged in slave trade, yet in those cases the officers of our cruisers are warranted in pursuance of a special agreement with a naval officer of the United States; and they were, therefore, justified in believing that, instead of doing any thing which would be complained of by the government of the United States, they were furthering the views and forwarding the wishes of that government.

Such cases, however, cannot happen again, because positive orders were sent by the admiralty, in February last, to all her majesty's cruisers employed for the suppression of the slave trade, not again to detain or meddle with the United States vessels engaged in the slave trade. These orders have been received by her majesty's government with great pain and regret, but as an act due by them to the rights of the United States.

Her majesty's government, however, cannot bring themselves to believe that the government at Washington can seriously and deliberately intend that the flag and vessels of the United States continue to be, as they now are, the shelter under which the malefactors of all countries perpetrate with impunity crimes which the laws of the union stipulate as piracy and punish with death.

But, unless the United States government shall consent to make, with the other powers of Christendom, some agreement of the nature of that which their naval officer on the coast of Africa spontaneously entered into with the British naval commander on that station, these abuses will not only continue to exist, but will increase in magnitude every day; and the end will be, that the slave trade will be carried on exclusively under the shelter of the flag, and that the special provisions of the United States government of that nation, whose legislature was among the first to pronounce the crime infamous, and to affix to it the severest penalties.

The undersigned avails himself of this occasion to renew to Mr. Stevenson the assurances of his distinguished consideration.

A. STEVENSON, ESQ. &c. PALMERSTON.

P. S. I return to you, according to your request, the original papers enclosed in your note of the 27th of February last, on the subject of the "Iago."

MR. STEVENSON TO LORD PALMERSTON.

32, Upper Grosvenor street, August 9, 1841.

MY LORD: On my return to London, after a temporary absence of a few days, I found the two communications which your lordship did me the honor to address to me, under date of the 5th instant, in answer to my notes of the 13th of November, the 27th of February, and the 1st of May last, complaining of the seizure and detention of three American vessels, the "Douglass," "Iago," and "Hero," and the ill-treatment of their crews, by her majesty's cruisers employed on the African coast in suppressing the slave trade.

Having, in my previous communications, said all that I deemed important on the subject of these repeated aggressions upon the vessels and crews of the United States and the rights of their flag, I can have no inducement at this time to trouble your

lordship with any further remarks, and I shall therefore content myself with transmitting to my government, at the earliest day, copies of your lordship's notes, with whom it will rest to decide upon the sufficiency of the explanation which they contain in justification of the conduct of the commanders of her majesty's brig's of war, the *Ternagant* and the *Lynx*.

It is proper, however, that I should seize the earliest opportunity to acquaint your lordship that, in relation to the agreement which it is alleged was entered into between the commander of the British squadron on the African coast and the officer in command of the vessel sent by the government of the United States to suppress the slave trade, allowing the mutual right of searching and detaining all British and American vessels found trading in slaves, I have no other information than that communicated in your lordship's notes, and have no reason to suppose that such authority has been conferred by the American government to any of its officers.

I pray your lordship to accept assurances of my distinguished consideration and respect.

A. STEVENSON.

LORD PALMERSTON TO MR. STEVENSON.

Foreign Office, August 17, 1841.

Viscount Palmerston presents his compliments to Mr. Stevenson, and, with reference to Mr. Stevenson's note of the 9th instant, has the honor to transmit, herewith, to Mr. Stevenson, a copy of the agreement entered into between the commander of her majesty's sloop "Wolverine," and Lieut. Payne, of the United States ship of war "Grampus," which was referred to in the notes addressed by Viscount Palmerston to Mr. Stevenson on the 5th instant, on the subject of the detention of the vessels the "Douglass," the "Iago," and "Hero," by her majesty's cruisers.

A. STEVENSON, ESQ. &c.

LORD PALMERSTON TO MR. STEVENSON.

Foreign Office, August 27, 1841.

The undersigned, her majesty's principal secretary of state for foreign affairs, has had under his consideration the note which Mr. Stevenson, envoy extraordinary and minister plenipotentiary of the U. S. States, did him the honor to address to him, under date of the 15th of May, 1840, complaining of the detention of a brig under American colors, called the "Mary," by her majesty's ship *Forester*.

In the note Mr. Stevenson requested the information furnished to the United States government by Mr. Trist, their consul at the Havana, to be complete and correct, prefers a claim for indemnity to the owner of the "Mary," and asks for the exemplary punishment of the commander of the "Forester." In the note Mr. Stevenson also requested that the officer against the Mary—proceedings which, in Mr. Stevenson's opinion, seem to want nothing to give them the character of a most flagrant and daring outrage, and very little, if any thing, to sink them into an act of open and direct piracy.

The undersigned has now the honor to inform Mr. Stevenson that the above particular information which has been furnished to her majesty's government, as to this vessel, places the question in a very different light from that in which it has been presented to the government of the United States; and the undersigned trusts that the following statement will satisfy Mr. Stevenson, that, although the vessel *Forester* was in the night, in the possession of the United States, she was in reality the property of a Spanish slave dealer, and was employed by him for the purposes of slave trade.

The papers found on board this vessel by the commander of the "Forester" showed that, on the 24th of January, 1839, a bill of sale was prepared at the Havana by Mr. J. A. Smith, the vice consul of the United States at that port, setting forth that a permanent American register (No. 48) had been granted to the brig "Mary," of Philadelphia, on the 17th of June, 1837, and that the brig was at that time owned by Joseph A. Snowden, of Philadelphia, and was commanded by J. H. Haven.

Joseph J. Snowden, the original owner, then gave a power of attorney and substitution to Charles Snowden, who again nominated Pedro Manegat, the notorious slave dealer, but who was described in that power of attorney as a merchant at the Havana, to sell and transfer the "Mary."

Eight days afterwards, Pedro Manegat professedly sold the "Mary" to a person named Pedro Sabate, of New Orleans, who, on the 2d of May, appointed as her master Charles Snowden, the same person who, three months before, had named Pedro Manegat as agent for the "Mary"; and on the 15th of June, Pedro Sabate replaced Snowden by appointing David Tomlinson to the command.

This Pedro Manegat, the pretended seller but real purchaser of the "Mary," was the same individual who, in like manner, owned the following nominally American vessels, namely, the "*Hyperion*," which left the Havana in December, 1838, as an American vessel, and was afterwards condemned as the Spanish schooner "*Isabel*," the schooner "*Hazard*," which was detained at St. Thomas on the 28th of February, 1839, under circumstances similar to those which mark the case of the "*Mary*," and the "*Odetaria*," also condemned as Spanish property—which last named vessel Pedro Manegat had only employed, as he did the "Mary," namely, to carry goods for the purchase of slaves, on the coast of Africa.

The Spanish master, Thomas Escheverria, and a Spanish crew, were shipped on board the "Mary," as passengers; among them were several individuals who were recognised as having been formerly captured in slave vessels—Escheverria himself having been master of the Spanish schooner "Norma," when that vessel was captured with 234 slaves on board. The ship's articles set forth that the crew was engaged to navigate the "Mary" from the port of Havana to the Gallinas, or wherever else the master may direct.

In two of three papers which the master, David Tomlinson, produced to prove his American citizenship, he is styled *Pits B. Tomlinson*, and the third *P. B. Tomlinson*; while in the log, enclosed in Mr. Stevenson's note, he is called Captain Thomson.

The clearance and bills of lading show that the owners of the cargo were Black & White, John Martinez & Co., Pedro Manegat, and Thomas Escheverria, the Spanish captain, all well known slave traders; and the consignees, Tomas Rodriguez Baron, Ignacio P. Rolo and Theodore Cautot, of the Gallinas, long and well known to the naval officers employed in the suppression of the slave trade on the coast as factors for the purchase and shipment of slaves.

The papers produced to the captain of the *Forester*, by Tomlinson, were of themselves sufficient to show that this was one of the then frequent cases in which the flag of the United States had been fraudulently assumed, and all doubt was removed as to the real character of the undertaking in which the vessel was employed, when, on further search, the crew were found on board of her slave coppers, two bags of shackles, large water leaguers, and a slave deck, the latter being noted as shipped under the denomination of 500 feet of lumber.

In these circumstances, the undersigned is of opinion that the commander of her majesty's ship "Forester" was fully justified in considering the "Mary" to be a Spanish vessel, and consequently, in taking her before the British and Spanish court; and, accordingly, when the British commissioners reported to him that the Spanish court had refused to allow the "Mary" to be libelled in that court, under the impression that the mere fact of her having the American flag hoisted should have protected her from visitation and search by a British cruiser, the British commissioners were told that there was, in the opinion of her majesty's government, reason to suppose that the "Mary" was a Spanish, and not an American vessel, and that the undersigned, therefore, to have allowed her to be libelled in the British and Spanish court; for that, although British ships of war are not authorised to visit and search American vessels on the high seas, yet if a vessel, which there is good reason to suppose is in reality Spanish property, is captured and brought into a port in which a British and Spanish court is sitting, the commissioners may properly investigate the case; and, upon sufficient proof being adduced of the Spanish character of the vessel, and of her having been guilty of a breach of the treaty between Great Britain and Spain for the suppression of the slave trade, the court may condemn her, notwithstanding that she was sailing under the American flag, and had American papers on board.

With respect to the general question of the search of vessels under the American flag by British cruisers, the undersigned begs to refer Mr. Stevenson to his other note of this day, in which he has referred to the case of the "*Susan*," in which the undersigned has formerly and he hopes satisfactorily, replied to the representations made by Mr. Stevenson on that subject.

The undersigned begs to return to Mr. Stevenson the log kept by John Hutton, while acting as mate on board the "Mary," and avails himself of this occasion to renew to Mr. Stevenson the assurances of his distinguished consideration.

PALMERSTON.

LORD PALMERSTON TO MR. STEVENSON.

Foreign Office, August 27, 1841.

The undersigned, her majesty's principal secretary of state for foreign affairs, has the honor to ac-

knowledge the receipt of the note from Mr. Stevenson, envoy extraordinary and minister plenipotentiary from the United States at this court, dated the 14th August, 1840, in reply to the note of the undersigned dated 23d April, 1840, on the subject of a complaint made by the American government against the officer in command of her majesty's brig "Grecian," for having boarded the American merchant ship "Susan," when off the light of Cape Frio, in the month of April, 1839.

The undersigned begs leave to state to Mr. Stevenson, in reply to the remarks contained in his last note, that her majesty's government do not pretend that her majesty's naval officers have any right to search American merchantmen, met with in time of peace at sea; and if in some few cases such merchantmen have been searched, when suspected of doing being engaged in slave trade, it has been done solely because the British officer who made the search imagined that he was acting in conformity with the wishes of the United States government in endeavoring to hand over to the United States tribunals ships and citizens of the union found engaged in a flagrant offence.

Such things, however, will not happen again, because orders have been given which will prevent their recurrence.

But there is an essential and fundamental difference between searching a vessel and examining her papers to see whether she is legally provided with the usual customs and other papers required by the country, and especially of the country whose flag she may have hoisted at the time. For though, by common parlance, the word "flag" is used to express the test of nationality, and though, according to that acceptance of the word, her majesty's government admit that British cruisers are not entitled, in time of peace, to search merchant vessels sailing under the American flag, yet her majesty's government do not mean thereby to say that a merchantman can exempt himself from search by merely hoisting a piece of bunting with the United States emblems and colors upon her mast. Her majesty's government mean to say, that the rights of the United States to exempt a vessel from search, when that vessel is provided with papers entitling her to wear that flag, and proving her to be United States property, and navigated according to law.

But this fact cannot be ascertained unless an officer of the cruiser whose duty it is to ascertain this fact shall board the vessel, or unless the master of the vessel shall produce the usual papers required by the cruiser; and this examination of papers of merchantmen suspected of being engaged in the slave trade, even though they may hoist a United States flag, is a proceeding which it is absolutely necessary that British cruisers engaged in the suppression of the slave trade should continue to practice, and to which her majesty's government are fully persuaded that the United States government cannot, upon consideration, object; because what would be the consequence of a contrary practice?

What would be the consequence, if a vessel engaged in the slave trade could protect herself from search by merely hoisting a United States flag? Why, it is plain that in such case every slave trading pirate, whether Spanish, Portuguese, or Brazilian, or English, or French, or of whatever nation he might be, would immediately sail under colors of the United States; every criminal could do that, though he were a pirate of pure genuine American papers; and thus all the treaties concluded among the Christian powers, for the suppression of slave trade, would be rendered a dead letter. Even the laws of England might be set at defiance by her own subjects, and the slave trade would be invested with complete impunity. Her majesty's government are persuaded that the United States government cannot maintain a doctrine which would necessarily lead to such monstrous consequences; but the undersigned is bound in duty frankly to declare to Mr. Stevenson that to such a doctrine the British government never could or would subscribe. The cruisers employed by her majesty's government for the suppression of slave trade must ascertain, by inspection of papers, the nationality of vessels met with by them under circumstances which justify a suspicion that such vessels are engaged in slave trade, in order that, if such vessels are found to belong to a country which has conceded to Great Britain the mutual right of search, they may be searched accordingly; and that, if they are found to belong to a country which, like the United States, has not conceded that mutual right, they may be allowed to pass on, free and unexamined, to consummate their intended iniquity. Her majesty's government feels convinced that the United States government will see the necessity of this course of proceeding.

But her majesty's government would find hope that the day is not far distant when the government of the

United States will cease to confound two things which are in their nature entirely different: will look to things, and not to words, and, perceiving the wide and entire distinction between that right of search which has heretofore been a subject of discussion between two countries, and that right of search which almost all other christian nations have mutually given each other for the suppression of the slave trade, will join the christian league, and will no longer permit the ships and subjects of the union to be engaged in undertakings which the law of the union prohibits as piracy.

The undersigned avails himself of this occasion to renew to Mr. Stevenson the assurances of his distinguished consideration.

A. STEVENSON, Esq. &c.

MR. STEVENSON TO LORD ABERDEEN.

32, Upper Grosvenor street, Sept. 10, 1841.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor to acquaint the earl of Aberdeen, her majesty's principal secretary of state for foreign affairs, that he had the honor to receive the two communications addressed to him by Lord Viscount Palmerston, her majesty's late principal secretary of state for foreign affairs, under date of the 27th ultimo, upon the subject of the improper and harassing conduct of British cruisers in the search for slave ships, and the rights of States in the African seas. In communicating the decision of her majesty's government upon the claims submitted to its consideration, it would have given the undersigned great satisfaction to have represented that decision as one calculated to do justice to the United States interests, and in accordance with the just rights and interests of his country. He had indulged a confident hope that the complaints which had been made upon the subject would have been followed not only by suitable atonement and reparation, but by an immediate abandonment of the system of wrong and violence to which the vessels and commerce of the United States had been so long exposed, through the misconduct of British cruisers in the African seas.

This course he had expected, not less from the justice of her majesty's government than the friendly relations subsisting between the two countries.

It is, therefore, with painful surprise and regret that the undersigned now learns from Lord Palmerston's communications that the rights of the United States and her majesty's cruisers have not only been approved and justified, and the injuries which ensued to remain unredressed, but that a right is now asserted by her majesty's government over the vessels and flag of the United States, involving high questions of national honor and interest, of public law and individual rights.

Having heretofore, in his correspondence with Lord Palmerston, discussed the merits of these claims and the principles involved in them, and presented the views and expectations of his government upon the subject, the undersigned does not feel it incumbent upon him, at this time, to open again the general discussion, or recapitulate the particular circumstances by which these cases might justly claim to be distinguished. Referring Lord Aberdeen to the previous correspondence which has taken place, the undersigned will refrain from the further discussion of the individual cases, and content himself with a brief examination of those parts of Lord Palmerston's communications in which the great question of distinction is asserted by her majesty's government over the vessels and flag of the United States, in time of peace, on the high seas. In order to ascertain the precise nature and character of this new and extraordinary power, it may be proper to quote those parts of his lordship's communication in which it is asserted—

"They are in the following words:—
"The undersigned begs leave to state to Mr. Stevenson, in reply to the remarks contained in his last note, that her majesty's government do not pretend that her majesty's naval officers have any right to search American merchantmen met with in time of peace at sea; but there is an essential and fundamental difference between searching a vessel and examining her papers to see whether she is legally provided with the usual customs and other papers required by the country, and especially of the country whose flag she may have hoisted at the time. For though, by common parlance, the word 'flag' is used to express the test of nationality, and though, according to that acceptance of the word, her majesty's government admit that British cruisers are not entitled, in time of peace, to search merchant vessels sailing under the American flag, yet her majesty's government do not mean thereby to say that a merchantman can exempt himself from search by merely hoisting a piece of bunting with the United States emblems and colors upon her mast. Her majesty's government mean to say, that the rights of the United States to exempt a

vessel from search when that vessel is provided with papers entitling her to wear that flag, and proving her to be United States property, and navigated according to law." And again:—"The cruisers employed by her majesty's government for the suppression of slave trade must ascertain, by inspection of the papers, the nationality of vessels met with by them under circumstances which justify a suspicion that such vessels are engaged in slave trade, in order that, if such vessels are found to belong to a country which has conceded to Great Britain the mutual right of search, they may be searched accordingly; and that, if they are found to belong to a country which, like the United States, has not conceded that mutual right, they may be allowed to pass on, free and unexamined, to consummate their intended iniquity."

Here is a direct assertion of a right, on the part of British cruisers, to board and detain all vessels sailing under the flag of the United States, whether American or not, for the purpose of ascertaining, by an examination of their papers, their national character, and deciding whether they are entitled to the protection of the flag of the country under which they sail. Now, it is proper to remark that the attempt which Lord Aberdeen has made to disguise the character of search (a right, however, which he disclaims) and that which he asserts, is wholly fictitious. They are essentially the same, for all the purposes of the present discussion. Indeed, the right to board, detain, and decide upon the national character of vessels navigating the ocean in time of peace, is precisely regarded as an equal and identical right, and giving place to wider and more important injuries, than the right of search, which is purely a belligerent right, and cannot be enforced in time of peace. But if the distinction was admitted to be a sound one, yet nothing would be gained in support of the right which Lord Aberdeen asserts, by the mere admission of the distinction. The inquiry must still arise, whether a power even of *visit* or *detention* can be rightfully and lawfully exercised by one nation over the ships of another, in time of peace, upon the high seas. That it cannot, the undersigned will now proceed briefly to show.

And, first, as to the principles of public law, and the usage of nations, by which it is expressly declared that the vessels of all nations, in time of peace, navigating the ocean, shall be exempt from every species and purpose of *interruption* and *detention*, unless engaged in some traffic contrary to the law of nations, or expressly provided for by treaty or compact. Now, although piracy is a crime, and therefore punishable in every country, and by every nation, no matter where committed, it must yet be borne in mind that all piracies are not offences against the law of nations. Piracy, therefore, by international law, and that which may be made so by the municipal law of particular nations, is a crime of a different character, and to be treated accordingly. Hence it is that offences declared to be piracy by the municipal laws of any state can only be tried and punished by the country within whose jurisdiction, or on board of whose ships on the ocean, the offence may have been committed. Now, slave trade is not cognizable under the law of nations. Although prohibited by most nations, and declared to be piracy by their laws, and especially by the statutes of Great Britain and the United States, it is yet not an offence against the public law, and its interdiction cannot be enforced by the ordinary right of *visit*, *detention*, or search, in the manner that might be the case with piracy.

That it is the acknowledged doctrine of international law cannot, it is presumed, be doubted. It is so expressly declared by all writers upon the law of nations, and has been acknowledged by the British government, through its highest judicial tribunals. Her annals are full of instruction on the subject. The following are a few passages held by one of her most distinguished jurists:

"We are disposed to go as far in discountenancing this odious traffic as the law of nations and the principles recognised by English tribunals will allow us in doing; but beyond these principles we do not feel at liberty to travel. Formal declarations have been made and laws enacted in reprobation of this practice, and yet the same nations have been taken to induce other countries to follow our example, but at present with insufficient effect; for there are nations which adhere to the practice, under all the encouragement which their own laws give. What is then, the doctrine of our own courts, of the law of nations, which they have taken to be respected? That slaves, if taken, are to be restored to their owners; and, if not taken under innocent mistake, to be restored with costs and damages." Again:—"It would be, indeed, a most extravagant assumption, in any court of the law of nations, to pronounce that this practice, the tolerated, the approved, the sanctioned slave trade, is a crime, and that man became subject to law, was legally criminal."

Does her majesty's government now mean to contend that the slave trade is contrary to the law of nations? On the contrary, is not the trade lawful to all governments who have not forbidden it, and, consequently, no right given to any one nation over the slave ships of another in time of peace, independent of express treaty stipulations by which the extent of the power to be exercised must be regulated? The right, then, which Lord Palmerston asserts, derives no support from the principles of the public law, but is left to stand upon the grounds of expediency and necessity, as the means of executing the existing treaties for the suppression of the slave trade, and without which his lordship avers, the execution of these treaties would be a dead letter. Whether this be so or not, the undersigned has no means of judging, and deems it, therefore, unnecessary either to admit or deny it.

The question is not whether the power asserted might be necessary or expedient, but whether any such power exists. It is incumbent upon her majesty's government to show upon what principles of justice and right it claims the power of deciding upon the right of an independent nation to navigate the ocean in time of peace; and this, too, for the purpose of executing treaties by which such nation is not a party, and consequently not bound by the signature of Lord Palmerston, in assuming the necessity and expediency of the power as proof of its existence. Was such a power ever before asserted in the manner or to the extent which is now done? On the contrary, has not the right of visitation and search been always regarded as exclusively one of a belligerent character? In practice, the undersigned never only refers Lord Aberdeen to the authority of Great Britain herself on the subject:

"I can find no authority" (says the late Sir William Scott) "that gives the right of interruption to the navigation of states upon the high seas, except in those cases in which the right is given by treaty against neutrals. No nation can exercise a right of visitation and search upon the common and unappropriated parts of the ocean, except upon the belligerent claim." And again: "No nation has the right to force their way for the liberation of Africa, by trampling upon the independence of other states on the pretence of the right of commerce by mail, or, unlawfully, or to press forward to a great principle by breaking through other great principles which stand in their way."

Now, of all the principles ever attempted to be established in the past history of the dominion of the sea, few probably could be selected of more offensive and objectionable character than those now asserted by the undersigned. Indeed, it is difficult to believe that his lordship or her majesty's government could seriously expect that any independent nation could for a moment acquiesce in doctrines involving the extravagant supposition of yielding to another the right of determining upon the terms and conditions upon which she should maintain peace, and in time of general and profound peace. Such a power once submitted to, and there would be no species of national degradation to which it might not lead. That such would be the consequence, the undersigned feels himself at liberty to suppose. But if it were admitted, for the purpose of illustration, that such a right was even doubtful, still the U. States, as well as other commercial nations, would be bound to demand its discontinuance, if attempted to be exercised in the manner indicated in Lord Palmerston's note. Under what restrictions and limitations could such a power be enforced? What competent tribunals there would be to determine upon the just suspicion which is to justify the boarding and detention, and the right of determining the national character of all vessels under the flag of the U. States? Would it not make every subordinate commander of a British cruiser the exclusive judge, and not only lead to angry and exciting irritations upon the ocean, but to painful discussions between the two governments? What security would American merchants have against decisions made without evidence, or where all the rules of evidence might be violated with impunity? Would it not, from its very nature, be a power the exercise of which, in whatever form it might be guarded, could and of no just limitation? The answer to these questions will best show how inconsistent with the peace of Great Britain and the rights of other states the exercise of any such power would be attended. But it is unnecessary to press this view of the subject further upon Lord Aberdeen's attention. The undersigned is of the principle, and of no exception, and is, therefore, wholly incapable of being overcome by the manner or discretion with which the power might be exercised, or the limitations thrown around it. However softened in terms, or restricted, it must still be regarded as imposing restrictions upon the national autonomy and independence, and an intervention upon the liberty of the seas; a power which no

independent state could ever submit to without surrendering its independence and sovereignty, and disregarding the high obligations of duty which it owes to itself and the other nations of the world. Nor is there any force in the view alleged by Lord Palmerston, and upon which great reliance is placed, that the flag of the union is grossly abused by other nations to cover their slave traffic. To what extent the flag of the United States may have been used for this purpose, the undersigned and his government have no means of judging. That it has been grossly abused, however, there is too much reason to believe; and deplore; but, whatever this abuse may have been, it can have no just influence either to strengthen, or weaken the right asserted by her majesty's government.

In relation to the conduct of other nations, who seek to cover their infamous traffic by the fraudulent use of the American flag, the government of the U. States cannot be responsible. It has taken the steps which are necessary to protect the American character from abuse, and will follow it up by such other measures as may appear to be called for.

The government of the United States are not insensible to the force of the considerations which belong to the subject of the African slave trade, nor has the undersigned any doubt that it is a subject which ever concerns its abolition. Nothing is further from the wish of the American government than a desire to increase the difficulties or throw obstacles in the way of the execution of the existing treaties for its final extinction. This the undersigned has upon every occasion solemnly and most assuredly, her majesty's government, and takes leave now to repeat to Lord Aberdeen. Anxious, however, as the government of the United States are to promote the views of her majesty's government on this subject, it cannot consent to do so by sacrificing the rights of its own government to the flag.

Her majesty's government cannot be insensible of the importance and value of guarding the rights of neutrality from every species of violation. This duty belongs especially to great and powerful nations, such as Great Britain and the United States, not only as the best means of preserving peace, but giving to the world an example and a standard of impartial justice. Among neutral nations there is probably not one more deeply interested than the United States. Their attitude is that of a neutral and peaceful power. The consistent and persevering policy of their government has been displayed in defence of the rights of neutrality and in the maintenance of the strictest impartiality and good will to all nations, and maintain with each not only relations of the most perfect amity, but those of a commercial character, upon the basis of a fair, equal, and just reciprocity, the United States will continue to give to their system of policy a sincere and steady adherence. Upon this basis the relations between Great Britain and the United States, as well as all other nations, can alone be expected to continue. The undersigned, therefore, is happy to see in these relations, as well as the justice of her majesty's government and the firmness of his own, the best reason to expect not only an abandonment of the policy which is now asserted, with the whole system of vexatious interruption and surveillance to which the vessels and commerce of the U. States have been subjected, but the future relations of the two countries placed upon the solid foundation of mutual interest and comity, and a more enlarged and liberal policy.

These views, which the undersigned has deemed it his duty to submit to Lord Aberdeen's consideration, upon the doctrines contained in Lord Palmerston's note, of a character so new and alarming to national sovereignty and sensibility, and the friendly relations of the two countries. He has presented them with the frankness and earnestness which their importance demand, and with the respect due to her majesty's government. He has, therefore, no other duty now to perform than to transmit copies of Lord Palmerston's communication to his government, and to protest, in the most solemn manner, against their doctrines, as alike inconsistent with the principles of public law, with the rights and sovereignty of the United States, and with that sense of justice and right which belong to the British nation.

The undersigned prays Lord Aberdeen to accept assurances of his high consideration and respect.

A. STEVENSON.

To the right hon. the Earl of Aberdeen.

LORD ABERDEEN TO MR. STEVENSON.

Foreign office, October 13, 1841.

The undersigned, her majesty's principal secretary of state for foreign affairs, has had the honor to receive the note of Mr. Stevenson, envoy extraordinary and plenipotentiary, in relation to the African slave trade, dated on the 10th of September, in con-

tinuation of a correspondence with the predecessor of the undersigned in this office, bearing relation to the visitation of vessels bearing the American flag and suspected of being engaged in the African slave trade.

If the undersigned feels it necessary to offer some remarks upon the note of Mr. Stevenson, he is desirous of doing so in a manner best calculated to ensure a candid and impartial consideration for the would deeply regret that any harshness or asperity of expression should aggravate the difficulties of a subject which is, at all times, but too liable to produce excitement and irritation. The undersigned is aware of the susceptibility of national feeling to all that affects national honor, and he repeats that Mr. Stevenson to believe that it is with the most unfeigned respect for the rights, honor and independence of the United States, that he now proceeds to address him.

The undersigned will forbear from entering into any particulars of the visitation of the vessels which has formed the principal matter of Mr. Stevenson's complaint to her majesty's government, and which has been fully discussed in his correspondence with the predecessor of the undersigned.

That proceeding may have been justifiable or otherwise, and the undersigned will be prepared, if necessary, to enter with Mr. Stevenson into the details of the question; but his present object is that of a more general nature. He is desirous of placing very briefly before Mr. Stevenson the consequences of those principles which he has laid down, and to appeal to his candor—the undersigned had almost said to his justice, that for the same purpose, would reject such a conclusion as that which must necessarily flow from the argument contained in Mr. Stevenson's note.

Mr. Stevenson claims for the American flag an absolute exemption from all interference, and utterly denies to the British government any right to visit, under any circumstances whatever, to visit in time of peace, merchant vessels bearing the flag of the union.

Mr. Stevenson quotes the opinion delivered by Lord Stowell upon this subject, who declares that, in order to extirpate this odious traffic, it would be lawful to capture vessels, even if they had slaves on board, and to dictate the price of the season in order to render such a conclusion as that which must necessarily flow from the argument contained in Mr. Stevenson's note.

Now the undersigned is the last person who would presume to question the authority of the distinguished jurist to whom Mr. Stevenson has referred. But Mr. Stowell was not acting as a jurist, but as a judge of Lord Stowell was delivered in the case of a French vessel which had actually been captured, and was condemned by a British tribunal. The sentence was reversed by Lord Stowell in the year 1817. At that period, Great Britain had no reason to presume that the slave trade was regarded as criminal by the whole civilized world, or that all nations had united their efforts for its suppression. And, even if such had been the case, it would have been very far from affording any justification of the sentence reversed. But the undersigned must observe that the present happy concurrence of the states of Christendom in this great object not merely justifies, but renders indispensable, the right now claimed and exercised by the British government. The undersigned readily admits that to visit and search American vessels in time of peace, when that right of search is not granted by treaty, would be an infraction of public law and a violation of national dignity and independence. But no such right is asserted.

We sincerely desire to respect vessels of the United States, but we may reasonably expect to know what it really is that we respect. Doubtless the flag is *prima facie* evidence of the nationality of the vessel; and if this evidence were in itself conclusive and irrefragable, it ought to preclude all further inquiry. But it is sufficiently notorious that the flags of all nations are liable to be assumed by those who have no right or title to bear them.

Mr. Stevenson himself fully admits the extent to which the American flag has been employed for the purpose of covering this traffic.

The undersigned joins with Mr. Stevenson in deeply lamenting the evil, and he agrees with him in thinking that the United States ought not to be considered responsible for this abuse of their flag. But if all inquiry be resisted, even when carried no further than to ascertain the nationality of the vessel, and impunity be claimed for the most lawless and oppressive of measures in the commission of this fraud, the undersigned feels greatly that it may be regarded as something like an assumption of that responsibility which has been deprecated by Mr. Stevenson.

While Mr. Stevenson deprecates the prevalence of this abuse, and the nefarious character of the trade, could he be satisfied that no remedy should be applied or attempted?

The undersigned hopes and believes that the number of bona fide American vessels engaged in the trade is very small, and thus the danger of interference with such vessels by British cruisers must be of rare occurrence.

Mr. Stevenson will admit that his objection to this interference would, under any circumstances, be in its consequence, to the protection of an enormous traffic, stigmatized by the whole Christian world; but the confession of Mr. Stevenson that the trade is extensively carried on under the fraudulent use of the American flag, does in truth justify the whole claim put forward by the British government. It constitutes that reasonable ground of suspicion which the law of nations requires in such a case. The admitted fact of this abuse creates the right of inquiry.

The undersigned renounces all pretension on the part of the British government to visit and search American vessels in time of peace. Nor is it as if the British government were the only one to whom it has been the invariable practice of the British navy, and, as the undersigned believes, of all navies in the world, to ascertain by visit the real nationality of merchant vessels met with on the high seas, if there be good reason to apprehend their illegal character. In certain latitudes, and for a particular object, the vessels referred to are visited, not as American, but either as British vessels engaged in an unlawful traffic, and carrying the flag of the United States for a criminal purpose, or as belonging to states which have by treaty conceded to Great Britain the right of search, and which right it is altogether to defeat by fraudulently bearing the protecting flag of the union; or, finally, they are visited as piratical outlaws, possessing no claim to any flag or nationality whatever.

Now, it can scarcely be maintained by Mr. Stevenson, that Great Britain should be bound to permit of her own subjects, with British vessels and British capital, to carry on before the eyes of British officers this detestable traffic in human beings, which the law has declared to be piracy, merely because they had the audacity to commit an additional offence by fraudulently usurping the American flag.

Neither could Mr. Stevenson, with mere grating, affirm that the subjects of states which have granted to Great Britain the right of search should be enabled to violate the obligation of their treaties, by displaying the flag of the union, contrary to the will and in defiance of the American government itself. Still, would Mr. Stevenson pretend to claim immunity for a piratical adventure, and would endeavor to shelter their lawless proceedings under the ensign of the United States.

But unless Mr. Stevenson be prepared to maintain these propositions, the whole fabric of his argument is to be grounded. For the undersigned admits that if the British cruiser should possess no knowledge of the American character of any vessel, his visitation of such vessel would be entirely unjustifiable.

He further admits that so much respect and honor are to the American flag, that no vessel bearing it ought to be visited by a British cruiser except under the most grave suspicion, and well founded doubts of the genuineness of its character.

The undersigned, although with pain, must add, that if such visit should lead to the proof of the American origin of the vessel, and that she was avowedly engaged in the slave trade, exhibiting to sight the manacles, fetters and other usual implements of torture, or had ten thousand of these unfortunate beings on board, no British officer could interfere further.

He might give information to the cruisers of the United States, but it would not be in his own power to arrest or impede the prosecution of the voyage and the success of the undertaking.

It is obvious, therefore, that the utmost caution is necessary in the exercise of the right claimed by Great Britain. While we have recourse to the necessary, and indeed the only means for detecting infraction, the practice will be carefully guarded, and the success of the long suspicion. The undersigned begs to assure Mr. Stevenson that the most precise and positive instructions have been issued to her majesty's officers on this subject.

The United States have stigmatized this abominable trade in terms of abhorrence as strong as the people of this country. They are also actively engaged in its suppression. But if, instead of joining their voice to the voice of Great Britain, and laboring with her for the attainment of the great object to humanity, the United States had wished to follow a different course, the reasoning employed in Mr. Stevenson's note is precisely such as would be resorted to for its defence and justification.

The undersigned, with his conviction of the perfect good faith and sincerity of the government of the U. States, would almost fear to offend Mr. Stevenson

even by disclaiming any such suspicion; but he believes Mr. Stevenson will be willing to admit that the effects of the policy of the United States should have any tendency to create a different impression in the minds of those who are disposed to think less favorably and less justly upon the subject.

Great Britain makes no pretension, claims no right, which she is not ready and desirous to concede to the United States.

A mutual right of search, regulated in such a manner as to prevent the occurrence of any irritating circumstances, has always appeared to the undersigned to be the most reasonable, the most simple, and most effectual method of attaining the great object which the governments have in view.

But this has already been rejected by the United States, and the undersigned is not instructed again to offer it for consideration.

It is for the American government alone to determine what may be due to a just regard for their national dignity and national interests; but the undersigned is permitted to express his conviction, that rights which have been mutually conceded—such as by the governments of Great Britain and France can scarcely be incompatible with the honor and independence of any state upon the face of the earth.

The undersigned avails himself of this occasion to request of Mr. Stevenson to accept the arguments of his distinguished consideration. ABERDEEN.

A. STEVENSON, ESQ. &c.

MR. STEVENSON TO LORD ABERDEEN.

32, Upper Governor street, Oct. 21, 1841.

The undersigned, enjoy extraordinary and minister plenipotentiary to the United States of America, has the honor to acknowledge the receipt of the note which Lord Aberdeen, her majesty's principal secretary of state for foreign affairs, did him the honor to address to him, under date of the 13th instant, in answer to the one from the undersigned of the 10th of September relative to the United States of America, to which the vessels and commerce of the United States have been subjected by British cruisers in the African seas, and which has been made the subject of complaint to her majesty's government; and, having considered with the attention which their importance merits the arguments presented by Lord Aberdeen, the undersigned is permitted to venture to submit to his lordship's consideration the observations which he feels himself called upon to make.

Before proceeding to do so, however, the undersigned will take occasion to remark that he shares fully in the opinion expressed by Lord Aberdeen as to the importance of avoiding, in the discussion of grave questions of national character, every thing calculated to embarrass or throw difficulties in the way of impartial and dispassionate consideration.—The undersigned, therefore, with great sincerity, assures Lord Aberdeen of the readiness and zeal with which he is disposed to conduct the negotiations between the two governments on his part, in a manner the most conciliatory and best calculated to preserve peace; and that he should equally deplore with Lord Aberdeen that any harshness or asperity of expression should be suffered to mingle in the discussion of a question involving national sensibility of feeling, and so liable, as his lordship justly supposes, to produce excitement and irritation. He trusts, therefore, to believe that it is under the influence of such feelings, and with the most perfect respect both for himself and for her majesty's government, that he now proceeds to reply to those parts of his lordship's note which he deems it his duty to notice.

To enable him to do this, it may be important to ascertain what is the real question at issue between the two governments, and the precise nature of the power asserted by her majesty's government over the vessels and commerce of the United States. It may be thus briefly stated:

The government of Great Britain, with that of other European states, claims the African slave trade as a great evil, united in measures for its abolition. To that purpose, laws were passed and treaties concluded giving to the vessels of each of the contracting parties the mutual right of search, under certain limitations. Independent of these treaties, and under the principles of public law, this right of search could not be exercised. The United States were invited to become a party to these treaties; but, for reasons which they deemed satisfactory, and growing out of the peculiar character of their institutions and systems of government, they declined doing so. They claimed, if inexpedient, under any modification or in any other form, the right of lawfully visiting vessels searched or interfered with, in time of peace, upon the high seas. With the history of the negotiations which took place on this subject, between the two governments, Lord Aberdeen is doubtless informed. In the mean time some of the powers who were par-

ties to these treaties, and others who refused to become so, continued to prosecute their slave traffic and, to the extent of their power, to make the proper resort to the use of the flags of other nations; but more particularly that of the United States. To prevent this, and enforce her treaties, Great Britain deemed it important that her cruisers in the African seas should have the right of detaining and examining all vessels suspected of carrying the flag of any of the nations, not parties to the treaties, for ascertaining their national character. Against this practice the government of the United States protested, and the numerous cases out of which the present discussion has arisen, became subjects of complaint and negotiation between the two governments. Her majesty's government, however, having refused to make any concession of any of the claims, and still asserting the right of her cruisers to continue the practice of detaining and examining all vessels on the coasts and in the African seas, it becomes important that the precise character and extent of the right thus claimed should be clearly ascertained. In the last note which the undersigned had the honor of addressing to Lord Aberdeen, he attempted to show, in the first place, that the right asserted by her majesty's government, in Lord Palmerston's note of the 27th of August, was substantially a right of search; and in the next place, that, if it was not, still the right of interference in the manner asserted by the vessels or flag of other nations, not parties to these treaties, was not less unlawful and unjustifiable.

Now, Lord Aberdeen disclaims the right of searching American vessels upon the high seas, and admits that to do so would be a gross infraction of the public law, and a violation of national sovereignty and independence. He also disclaims the right of requiring vessels sailing under the flag of the United States to submit to the operation of examination, in the manner and for the objects proposed by his government, there would be no violation of national rights or honor, and, consequently, nothing to which the government of the United States ought rightfully to object. Upon this branch of the subject the undersigned does not intend to repeat the arguments contained in his previous correspondence with her majesty's late principal secretary of state for foreign affairs. Referring Lord Aberdeen to that correspondence, he will content himself with submitting such additional observations as his lordship's last note has rendered necessary.

Is the right, then, claimed by her majesty's government less an infraction of the principles of public law and the rights of independent states than that of search, which is disclaimed?

Now, Lord Aberdeen will remark, that the right asserted by his excellency for her majesty's government is clear and explicit, and is thus stated in Lord Palmerston's note: "That her majesty's government have decided that the flag of the United States shall exempt no vessel (whether American or not) from search by her majesty's cruisers in the African seas, unless such vessel shall be found provided with papers entitling her to the protection of the flag she bears, and, in time of peace, without being subjected to detention and examination, and without proof of their being the property of citizens of the United States, and documented according to law." It constitutes the commandant of every British cruiser the exclusive judge to decide whether such vessels, in the African seas, are lawfully entitled to carry papers entitling them to the protection of the flag they bear, and proving them to be United States property, and navigating the ocean according to law." What essential difference, then, is there between the right of search, in its harshest form, and that of arresting the vessels of an independent nation on their voyage, and compelling them to submit to a search, without subjecting them and their papers to the examination and decision of every subordinate naval commander? Is it not the right of placing British cruisers on any part of the ocean that her majesty's government may select, and prescribing the terms upon which other nations are to participate in the freedom of the seas? Is it not, in effect, a claim of jurisdiction over the whole of the African coasts and seas, as exclusive as that which could only be enjoyed within the acknowledged limits of local sovereignty? To these questions but one answer can be given. It must be in the affirmative. But to what consequences would not such a claim lead, if the suitors of the world would it end? If Great Britain can exercise such power, why may not other nations do the same? What is there to prevent those states, especially, which have entered into treaties for the abolition of slave-

ry, from subjecting the vessels and commerce of the United States to similar interruptions and embarrassments.

Why should not Hayti (who has lately been induced to prohibit the slave trade) authorise her cruisers to follow the example of her majesty's government? By one of her recent laws upon the subject, she did give a similar right; but it was afterwards changed, and, at the instance of Great Britain, upon grounds to which no nation had the right in time of peace to enforce the provisions of their laws and treaties against states who were not parties to them, and consequently not bound by them. In the note addressed by the undersigned to Lord Palmerston, under date of the 17th of September, 1841, and referred to by the one to Lord Aberdeen, allusion was made to the proceedings of her majesty's government, under which the Haytian government were induced to change their laws. At that time at least, it is presumed, her majesty's government had not determined to assert this right of dominion over the seas. But, again, why might not the right of search for sea robbers and pirates, and that of impressment, be defended upon the principles of the present claim? Let it be supposed, for purposes of illustration, that Great Britain had entered into treaties with other nations, by which the right of search for sea robbers and deserters was given to the vessels of each other, and that, in the contracting states, in order to evade their engagements, should resort to the fraudulent use of the flags of other nations. And suppose, also, that with the view of enforcing these treaties, it should be deemed expedient to assert a right of boarding and examining, upon the high seas, the vessels of nations who had not surrendered the right and who were not parties to the treaties? Does Lord Aberdeen or her majesty's government believe that such a power would be tolerated by any independent nation upon the face of the earth? And yet, what difference would there be between such a case and the one under consideration, except that the vessels of nations, as to slavery and the other to impressment—subjects, probably, equally important in the view of her majesty's government.

It was against the exercise of any such right that the distinguished jurist, to whom reference has been made, observed in his sitting as arbitrator, in the law of nations, "that no authority could be found which gave any right of visitation or interception over the vessels and navigation of other states, on the high seas, except that which the right of war gives to belligerents against neutrals; and that Great Britain had no right to assert a right to the liberation of Africa, by trampling upon the rights and independence of other nations, for any good, however eminent."

Upon what principles, then, of public law or of common right or justice, such a power as that now asserted is to be defended or justified, her majesty's government have not deemed it expedient to state.—Let it have been left to stand for its whole efficacy upon the grounds of expediency. The undersigned must therefore repeat the opinion, expressed in his note to Lord Aberdeen, that there is no essential difference whatever between the right of search and that now asserted for her majesty's government.—But Lord Aberdeen contends that, in resisting the exercise of this right in the form in which it has been made, the undersigned is necessarily compelled to claim, not only immunity for the flag of the United States and all the piratical adventurers who are endeavoring to shelter themselves under it, but to maintain that Great Britain herself could be bound to permit her own subjects, with British ships and British capital, to carry on the traffic under their own eyes, provided it was done under the fraudulent use of an American flag; and his lordship further declares that unless the undersigned is prepared to maintain to their full extent these propositions, the whole fabric of his argument will fall to the ground.

Now, the undersigned begs to observe that Lord Aberdeen has greatly misapprehended the principles and arguments contained in the note which he had the honor of addressing to his lordship, and which it becomes proper to seize the earliest moment of correcting. This the undersigned will the more readily do, because he is persuaded, from the spirit in which Lord Aberdeen has written, that he will take pleasure in correcting any misapprehension into which he may unintentionally have been drawn.—Indeed the undersigned must have expressed himself very imperfectly if, in denying the right of interfering with vessels under the American flag, he did not express his opinion that he intended to be well objection to vessels *bona fide* American, and not to those belonging to nations who might fraudulently have assumed the flag of the United States. With the vessels of other nations, whether sailing under their own or another flag, the government of the U. States can exert no authority or desire to interfere. The undersigned, therefore, did not mean to be understood as

denying to Great Britain, or any other nation, the right of seizing their vessels or punishing their subjects for any violation of their laws or treaties, provided, however, it should be in accordance with the principles of public law or the rights of other nations. Nor are such the consequences which can fairly be deduced from the argument which he had the honor of addressing to Lord Aberdeen, and, which his lordship seems so greatly to have misapprehended. All other nations, to detain and punish the vessels of their own subjects, whether slaves or not, and whether with or without a flag purporting to be that of the United States; but, in doing this, it must be borne in mind that they have no color of right, nor will they be permitted to extend such interference to the vessels or citizens of the United States sailing under the protection of the flag of their country.

If Great Britain or any other nation cannot restrain the slave trade of their own people upon the ocean without violating the rights of other nations and the freedom of the seas, then indeed the impunity of which Lord Aberdeen speaks will take place. This may be deplored, but it cannot be avoided. But Lord Aberdeen asserts that it has been the invariable practice of the British navy, and he believes of all the navies in the world, to ascertain by visit the real character of merchant vessels met with on the high seas, if there be ground to suspect them of illegal character. Now, the undersigned must be excused for doubting whether any such practice as that which Lord Aberdeen supposes, certainly not to the extent now claimed, has ever prevailed in time of peace. In war the right of visitation is admitted by the law of nations, authorised by the laws of nations, but not in peace. With respect to nations that Great Britain has ever asserted or attempted to exercise if: None, it is believed. There is another misapprehension, also, into which Lord Aberdeen seems to have fallen that it may be important to correct. It relates to an admission which his lordship has made, and which he has endeavored to extend to the abuse of the American flag for purposes of slave traffic. Now, the undersigned would submit, that he did not intend to express, nor did he, any opinion as to the extent to which the flag of the United States was abused by other nations. For, as he has expressed, that Lord Aberdeen will perceive by reference to his note, that he does not nor his government had the means of forming any opinion upon the subject. He admitted the abuse of the flag, and deplored it, but to what extent he gave no opinion.

Can the undersigned yield to the force of the reasoning employed by Lord Aberdeen, arising out of the limited number of *bona fide* American vessels engaged in the slave trade, to prove that the danger of interference with American vessels will be of rare occurrence. He readily admits, with Lord Aberdeen, that there are few American vessels, if not the slave trade, engaged in it. In admitting the fact, he does not perceive very clearly what bearing it can have upon the present discussion, or how the smallness of the number of American slaves can at all guard against the evils which Lord Aberdeen supposes. For, if it be true, as his lordship has admitted, that the abuse of the flag of the United States is one of increasing extent, and that it can in no way be prevented but by the examination of all vessels sailing under the flag of the United States; and as it must also be admitted that there are numerous American vessels engaged in commerce in the African seas, which, with other vessels, are subjected to the same examination, what possible effect can the number of American slaves have in preventing the interference to that more numerous class of merchantmen who are to be found engaged in commerce throughout the whole of the African sea? If there was not a single vessel of the United States engaged in the slave trade, the evils and interruptions which Lord Aberdeen is so desirous of avoiding must still take place, whenever the right shall be attempted to be enforced against those vessels that are not slaves. But the great question which is to be observed in the exercise of the right of visitation, and which must be guarded, is greatly relied on by Lord Aberdeen in its defence. Indeed, his lordship declares that so much honor and respect are due to the flag of the United States, that it is only to be exercised in certain latitudes, and exclusively confined to cases where there is the strongest suspicion and well founded doubts exist.

Now, the undersigned would respectfully ask of what consequence it can be to the United States, if their rights or the honor of their flag are violated, whether it be done upon one part of the ocean or another? In relation to the well founded suspicion to which Lord Aberdeen refers, it might have been desirable (if the manner of exercising an unlawful

power can excuse it) that his lordship should have stated what the particular character and degree of the suspicion was to be which was alone to justify the interference of her majesty's cruisers. That such a right as that claimed, if it existed, could not safely be reposed in the hands of her majesty's cruisers who have heretofore been in the habit of exercising it, the undersigned feels himself warranted in assuming. This, he presumes, will be satisfactorily shown by the cases which he has heretofore presented to her majesty's government, and for which no reparation has yet been made. These cases will show the embarrassments arising from the interference with the trade and commerce of the United States, through out the whole of the African seas, have already been subjected by the vexatious seizures and detentions of her majesty's cruisers, and in most of them without justification or excuse.

That the right asserted by her majesty's government may be considered as important, may not be doubted. Indeed, the undersigned would not act faintly towards Lord Aberdeen if he were to pretend that the exercise of refusing the exercise of the right of visitation by the American government might not throw very great difficulties in the way of enforcing the existing treaties for the abolition of the slave trade; but, as he has taken occasion heretofore to observe, the admission can neither strengthen the claim of right nor diminish the force of the objections to it on the part of the United States.

There remains only one other point which Lord Aberdeen's note which the undersigned deemed it necessary at this time to notice. It is that in which his lordship expresses the opinion that any right of search which has been conceded by two such governments as France and Great Britain, can scarcely be considered as incompatible with the honor and independence of any nation upon earth. Now, if Lord Aberdeen's remark was intended to apply to the proposal which was made by her majesty's government to that of the United States for a mutual right of search, secured and guarded by treaty stipulations, the undersigned has no objection to making; but if his opinion of his lordship was intended to apply to the right now asserted by Great Britain, and proposed by her government to be exercised in the absence of all conventional arrangement, then the undersigned must be allowed to express his decided disapproval of such an exercise of mutual rights, properly secured, might not be incompatible with national honor and sovereignty he readily admits, inasmuch as the contracting parties would stand upon the footing of equality and security. This he presumes to be the case between France and Great Britain but not the case between Great Britain and the United States.

The undersigned must, therefore, after the most careful consideration of the arguments advanced in Lord Aberdeen's note repeat the opinion which he has heretofore expressed, that if a power such as that which is now asserted by her majesty's government shall be enforced, not only without consent, but in the face of a refusal to concede it, it can be regarded in no other light by the government of the United States than a violation of national rights and sovereignty, and the incontestable principles of international law. That its exercise may lead to consequences of a painful character, there is no room to apprehend. In cases of conflicting rights between nations, the precise line which neither can pass, but to which each may advance, is not easily found or marked; and yet it exists, whatever may be the difficulty of discerning it. In ordinary cases of disagreement there is little danger; each nation may and does give something to the other. Still, however, it is to be feared, in the present case, The preponderance of the power asserted, and the consequences which may be apprehended from its exercise, make it one of an important and momentous character. Involving, as it does, questions of high and dangerous sovereignty, it may justly be regarded as one of the most delicate and important understandings of the two countries. Ought her majesty's government, then, under such circumstances, to insist upon its enforcement? That it will not, the undersigned cannot permit himself to doubt. He will therefore continue to cherish the hope that, upon the careful consideration of the whole subject, her government will see the importance of adopting other measures for the suppression of the slave trade than those now proposed, and which will be far better calculated, not only to accomplish the object desired, but to preserve the friendly relations of the two countries on terms consistent with the interest and honor of both.

The undersigned avails himself of the occasion to renew to Lord Aberdeen assurances of his distinguished consideration and respect,

A. STEVENSON.

To the Earl of Aberdeen.

REPORT OF THE SECRETARY OF WAR.

WAR DEPARTMENT, DECEMBER 1, 1841.

SIR: The report of the major general commanding the army, and of the heads of the different bureaus, attached to this department, upon the several subjects committed to them are herewith submitted. Consisting of the information, and the fullness of the views thus exhibited, will render superfluous any extended observations from one but recently called to the consideration of the various matters so well presented by officers of great experience and acknowledged ability.

I am, Sir, in the course of the following statement of the general results derived from these reports.

From the general return of the army, contained in the report of the major general, commanding in chief, it appears that the whole number of troops now in service, is ten thousand six hundred and ninety-four, consisting of seven hundred and twenty-eight commissioned officers, and nine thousand nine hundred and sixty-six non-commissioned officers, musicians and privates. The aggregate exceeds the number specified in the report of 1840, by one hundred and twenty-four. Of the whole number, nine thousand eight hundred and eighty-two are reported as present, and the residue, eight hundred and twelve, are absent or sick; of whom four hundred and forty-seven are absent on detached service. To complete the organization of the army, eighteen hundred and thirty-four recruits are required.

During the past year the whole number recruited was four thousand nine hundred and twenty-two.

It is gratifying to find that the number of deserters, within the year, as compared with the number enlisted, has largely diminished.

The disposition of the troops intended for the protection of our inland frontiers, and for garrisoning the forts on the Atlantic, is given in the report.

The residue of the army, consisting, at the last returns of about three thousand five hundred men, but which is now, or will be, reduced soon to three thousand, is employed in the protection of the inhabitants of the United States, and in the offensive operations carried on at that territory.

On the western frontier, the Indians have been kept from wars among themselves, and from hostile acts against our citizens. With the exception of some depredations alleged to have been committed in Texas by the Comanches, and some depredations in California, it is more reasonable than we are, the native tribes appear to be quiet, and indicate no disposition to commence aggressions. On the northern frontier, the presence of the troops has been, and, doubtless, will continue to be, of eminent service in preserving the peaceful relations of the countries, within the adjacent territories of Great Britain. At the northern point, the small force stationed near the disputed boundary line seems required for the same purpose.

Within the year a new aspect has been given to the military operations in Florida. The minuteness and accuracy with which they are detailed in the report of the commanding general, render any other account of them unnecessary. It would be unjust, however, to withhold the expression of that cordial approbation, which is felt by this department, and, it is believed, by the whole country, of the gallant enterprise and patient endurance of the troops and their able commander, Colonel Worth. The numerous engagements which a contest with such enemies must produce in the soldiers of a civilized country, and consulting only the high dictates of duty, they have persevered in a contest which, in the only means of conducting it, more resembles the pursuit of animals, than a warfare with human beings, and in which the triumphs of arms are mingled with pity, not far removed from contempt, for an inglorious foe.

The last advices from that quarter confirm the expectations of a speedy and successful result to the campaign. All that high intelligence, devoted zeal, consummate bravery, and irrepressible energy, can contribute to the success of the military operations, by the troops and their gallant commander, for whom the difficulties of a contest, without resemblance in the history of war, seems to have no terrors.

The suggestions, in the same report, of the commanding general, respecting officers holding appointments at the same time, both in the line and in the staff, with the view of promoting, in each, and respecting the inequality of pay between officers of the same grade, in the different branches of service, are worthy of great consideration, emanating as they do from long experience, the result of intelligent and disinterested observation. And the recommendation of the present general-in-chief, concurring with those already made, and distinguished by the high consideration to pensions, will doubtless attract the attention of congress to that subject.

The very moderate increase of two regiments to our army, recommended in the same report, will unquestionably be received with all the confidence due to any suggestions from such a source. The necessity for such an increase, to man the forts, posts, and fortifications, on our inland and maritime frontiers, will be apparent on a consideration of the plans for the national defence which have been proposed, and wholly or partially adopted. A brief and connected view of those plans seems appropriate and necessary for that purpose, and to a full understanding of those parts of the reports herewith communicated, which are necessary, also, in explanation of the estimates submitted for appropriations to continue and complete the means of protection and defence. In presenting such a view, the occasion will be taken to make such observations as may seem to be required.

The defenses of the country may be regarded under three distinct heads. First, for the protection of the western frontier against Indian hostilities. Second, precautions against aggressions from the colonial possessions of foreign powers in our vicinity, at the north. And third the defence of our maritime frontier.

Under the first head, the plan communicated to the senate, on the 3d day of January, 1838, in pursuance of a resolution of that body, and recommended by the then head of this department, was approved in its general outlines by the board of officers—who reported on the subject in May, 1840, and appears to be well adapted to the purpose. It contemplated a line of exterior posts or advanced posts, Indian frontier, beyond the boundary of existing cessions, for the purpose of overawing and repressing hostilities among the Indians, or against our own settlements; and an interior line of posts, as places of refuge in cases of danger or alarm, with depots for arms and supplies.

There seems to be no reason so far as the exterior line of posts is concerned, why the posts should not be established at those points, should be constructed of wood, so abundantly furnished by the country, or of stone, or other equally indestructible material. From the information which has been received, and from the uniform practice in Indian wars, the better opinion would appear to be, that the detached forts with log houses, would afford sufficient protection against an enemy unprovided with artillery. The rapidity and economy with which they could be erected, in many cases chiefly by the labor of the troops, would give them a decided preference. It is not perceived why the interior line of posts should not be established at those points, nor should also be used as depots of subsistence and military supplies. Six or eight of the exterior line, and eight interior forts, are deemed sufficient. The following are the forts established, which may be considered as forming parts of this plan of defence. Fort Jessup, 35 miles south of Fort Smith, on the road to Texas; Fort Towson, near the confluence of the Kiamichi and Red rivers, in the Choctaw nation, 325 miles from Fort Jessup, and about 50 miles from the western boundary of Arkansas; Fort Smith, situated on the Arkansas river, partly in Arkansas and partly in the Cherokee nation; Fort Gibson, about 60 miles northwest of Fort Towson, on the Arkansas river, and 307 miles from Fort Towson; Fort Wayne, on the Illinois river, in the Cherokee nation, not far from the western boundary of Arkansas, 60 miles from Fort Gibson; Fort Leavenworth, on the right bank of the Missouri river, 286 miles from Fort Smith; Fort Snelling, at the junction of the Mississippi with the Minnesota river, 300 miles from Fort Leavenworth; Fort Crawford, 300 miles below Fort Snelling, on the Mississippi river, about 5 miles from the mouth of the Wisconsin; Fort Winnebago, at the portage between the Fox and Wisconsin rivers, about 130 miles from Fort Crawford; Fort Howard, at the mouth of Green Bay, in Wisconsin; Fort Winnebago; Fort Mackinac, on the island of Michilimackinac, at the outlet of Lake Michigan; Fort Brady, on the St. Mary's river, at the outlet of Lake Superior; and Fort Gratiot, on the St. Clair river, at the outlet of Lake Huron.

Barrecks are in progress at Turkey river, in the Winnebago country, at Fort Smith, and at Fort Leavenworth. At the latter place, a new line of forts extends from the lakes to the Gulf of Mexico. It is in immediate contact with numerous wild and warlike Indians, who are capable of bringing into the field a number of warriors, estimated at from twenty to thirty thousand. From the intercourse which subsists between them, and the great number of emissaries of foreign nations they may be rendered as formidable as any description of force that could be brought

against us. To secure a proper influence over them in peace, and to counteract and control their dispositions in war, to secure our own territory and to protect our traders, it is indispensable that a chain of posts should be established, extending from the Council Bluffs to the mouth of the Columbia river, so as to command the avenues by which the Indians pass from the north to the south; and at the same time maintain a communication with the territories belonging to us on the Pacific.

The present state of our relations with these Indians, already considered, as they must be designed for protection against a powerful enemy, possessing all the means of warfare along a distance of more than two thousand miles. Naval forces on the lakes undoubtedly afford our chief reliance for defence and offence.

To furnish them shelter from tempests, the harbors must be enlarged, and the need of a chain of posts, to secure their supplies, as well as the property and lives of our citizens from an enemy, those harbors, and the most important of the straits and rivers connecting the lakes, should be fortified. The comprehensive and able views of the board of officers on this subject, in their report of May, 1840, already mentioned cannot be strengthened by any remarks from this department.

The omission to make the necessary appropriations, has prevented any thing more than a partial execution of the defence of the northern frontier. Fort Niagara has been reported ready for armament, and a company has been ordered to garrison it. So much has already been done at Fort Oswego, as to justify the belief that it will be soon ready for service. The condition for effective service. Under the appropriations made in September last, for the defensive works at Detroit, Buffalo and the outlet of Champlain, means have been taken to select for their construction, which will be commenced as soon as the titles to those places shall be secured.

The third division of our national defences, those relating to our maritime frontier, presents a subject of the deepest interest.

A board of engineers was organized in 1816, and has continued in existence ever since, to which was specially assigned the duty of preparing a general system of defence for the seaboard. It made personal examinations of every harbor on the whole coast (excepting only a few in East Florida) accessible to sea-going vessels. While the board was thus employed, settling the general principles of defence and selecting positions, its number was augmented by the addition of officers of the navy, generally two post captains. During a portion of this time the functions of the board were extended to embrace the selection of suitable sites for a great northern and southern naval depot. Reports of progress were made in 1817, 1819, 1820, 1821, 1822, 1823, 1824 and 1835; and at two different times, namely, in 1826 and 1836, a summary report was presented to the executive, and sent to congress, describing the system bricly in its application to the several parts of the coast.

The board has been comprised of officers of high rank in the corps of engineers, together with general Bernard, during the thirteen or fourteen years he was in the service.

In pursuance of a resolution of the house of representatives of April 9, 1840, a report from the department was made on the twelfth day in the same year, transmitting one from a board of officers assembled for the purpose of considering the subject, which had been previously reported upon another plan of defence submitted by a distinguished military commander, and gave their reasons, at large, why it ought not to be substituted for that already mentioned, which had been presented by joint commissions of naval and military officers.

To the formation of that system, the greatest military talent and experience of the country have been devoted, and it would ill become one whose pretensions to either are so limited, to attempt a comparison of it with any, or to sustain it by any views of his own. It may be remarked, however, that, so far as the judgment of congress can be gathered from its acts, and so far as an intelligent public opinion has been formed, it is in full and decided favor of the system which has been so deliberately

considered, and so long matured; and it may now be regarded as the settled policy of the country.

The elements of that system are, first, naval forces; second, fortifications; and third, interior communications.

As to the first, independent of all other considerations, it is supposed that floating batteries of any description that are to remain stationary at the exposed points cannot be expected, because the aggregate expense of providing and maintaining the large force that would be required for the numerous points of our coast, would be beyond our means. An inconsiderable force at each point would be wholly inadequate to meet that which might be brought against it; and the defence of a few, only, of the most important, would neither answer the expectations of the country, nor fulfil the obligations of the government. A navy, which would cause the war into every sea where the enemy's commerce was to be found, would effectually keep him from our coast, by rendering his presence necessary elsewhere. For the defence of inlets and harbors, whose entrances are shallow, a class of steam vessels, of light draught, would doubtless be necessary; but the number of such vessels would be enormous, such vessels would be indispensable. But where a large number of enemy's ships can find harbors of easy access, and sufficiently capacious to contain them, they cannot be successfully met by an inferior force; and as there is no probability of the capture of the enemy's ships, in the magnitude of their naval establishments, the only resource left us is, in fortifying our harbors and roadsteads.

The second element of defence consists, therefore, in permanent fortifications. While they are more effectual for defence, in certain positions, than floating forces, they are less expensive in construction, more durable, and requiring an outlay in repairs utterly insignificant, when compared with the expense of maintaining ships, and renewing them.

They are deemed indispensable for the purposes of covering the military and naval depots, and all other public or private establishments which would invite the enterprise or the cupidity of a foe, and of excluding him from strong positions, where his naval superiority might enable him to maintain himself, and from which he might make incursions into the interior, or assail an extensive line of coast.

They are deemed necessary to the security of our fortifications along the whole Atlantic coast, from Passamaquoddy bay to Cape Florida, and along the gulf, from that cape, to the mouth of the Sabine, were indicated in the report before mentioned, and the reasons for their selection, the extent and nature of the required works, and the expense of them. The completion of all these works could not be simultaneous, the order of succession was regulated by reference to the value of the object to be covered, to the nation, or to an enemy; its exposure by isolation; its accessibility, depending on distance, time, or climate; the means, sources, and time required for their construction. Most of the existing defences. The order thus established has been adhered to with a few exceptions, occasioned by different views on the part of congress. Great progress in the execution of the system has already been made, of which the details are given in the reports of the ordnance and engineering bureaus. Most of the primary importance, including the largest and most expensive, are nearly completed. About \$14,000,000 have been expended, and \$9,000,000 more will finish all but those deemed of minor importance, and which may be postponed without risking serious consequences.

More extended remarks upon the system of national defence, but particularly on that part depending on fortifications, are rendered unnecessary by an able and comprehensive report on this subject, prepared by my immediate predecessor, in pursuance of a resolution of the senate of the 3d of March, 1841, and which will be transmitted to that body. Concerning generally, the views expressed in the preceding addition to their strength, could be made by any observations of the undersigned. As the system cannot be abandoned, what has been commenced should be completed; the works intended for the more remote southern portion of our territory, particularly require attention. Indications are given in the design of the fort at St. Augustine, against that region, in the event of hostilities from a certain quarter, to which we cannot be insensible. The estimates submitted, with the means on hand, for the completion of the works at Beaufort and at the mouth of the Cape Fear river, in North Carolina, at Charleston, Savannah, and St. Augustine, will furnish adequate defences to those places. In consequence of the delay that will necessarily attend the completion of Fort Calhoun, in Hampton Roads, the effectual defence of that position would require that a strong field work should be thrown up

at Willoughby point, in the event of hostile appearances; and an appropriation of \$50,000, at this time; for that purpose, would be important, as its application would be suspended until required by circumstances. In the gulf coast, Pensacola, Mobile bay, and most of the avenues to New Orleans, are fortified. In relation to the fortifications on both these sections of coast, it is believed to be our first duty, as it is certainly the strongest desire of this department, to place the existing works in a state of permanent defence, in the shortest possible period. At this end, such means have been asked, as, without making exorbitant demands upon the treasury, will allow the labor to be carried on vigorously. The winter season is known to be the most favorable to such operations in the latitudes where those works are situated, and the facilities have been improved. Indeed, unless appropriations are made before the month of February, no use can be made of them in those latitudes within a year from the time they are asked. To provide for the points still remaining unprotected, in the event of hostilities being threatened before the facility of fortifications is complete, a resort to steam-vessels of light draught will be necessary; and, in reference to some points, where fortifications would not avail, as already indicated, that species of defence will be indispensable. Five of these in the gulf of Mexico, and seven on the southern part of the Atlantic coast, are deemed necessary by the chief engineers. Their use, however, will be greatly aided by the existence of defended points near at hand, under which the vessels could rendezvous, and which would, at the same time, protect the harbors for the service of our military and commercial marine. An appropriation of \$40,000 for the completion of the work at the mouth of Cumberland sound, and a similar sum for a work at or near the outlet of St. Simon's sound, these being the best harbors on that part of the coast within the state of Georgia, would, in this point of view, be highly expedient. The security of Mobile bay would be greatly promoted by a work on Dauphin or Pelican island, and one at Pas au Heron, and these works would add greatly to the protection of the coast passage along the gulf. An appropriation of \$60,000, for these, would be judicious. The appropriations now suggested, are in addition to the general estimates from this department, for the construction of any of the works indicated, a preliminary survey of their positions will be directed; and the propriety of such a direction being now given, is under consideration.

A third element, of great importance in the consideration of the defences of the sea coast and of the northern and northwestern frontiers, consists in the facility and rapidity of interior communications. They are strictly means of defence, and incapable of being perverted to any purpose of conquest; a feature which commends them to every friend of our institutions. The facility afforded by the ocean to movements for the purposes of attack, is met by a corresponding facility to the defence, by the employment of gunboats and in the application of steam-power to land carriage, and in the construction of lengthened lines of canals. The speed with which troops can be moved, obviates the necessity of embodying large masses of them at any point; and the amount of force required for the defence of any point, is thereby greatly diminished. In proportion to the reduction in the time necessary to concentrate it. The whole force along the whole line may be rendered available for the defence of any point in that line; while, without such means of communication, a separate army would be required at each point, and for military purposes, the country would be defended. This may be illustrated by facts within the knowledge of all. Troops may now be brought from New York to the city of Washington in eighteen hours, in a condition requiring little or no repose to fit them for immediate action. And the whole physical force of the population of the country between these points, may be concentrated at any intermediate place in a few hours. Were Philadelphia assailed or threatened, a movement of military force from Pittsburg, which but a short time since would have occupied from twenty to twenty-five days could now be accomplished in five. Similar facilities would be furnished by various rail roads, and canals in different parts of the country. And as the great secret of success in war is supposed to be the ability to oppose the many to the few, it is evident that, in any defensive operations, we shall be able to compete with and to conquer any power that may be brought against that portion of our territory which is intersected by these interior communications. Another consequence of no little moment flows from the same cause: the power to defend ourselves with armies of very diminished numerical force, compared with those which have heretofore been necessary in our national conflicts,

or those which are usually employed on the European continent.

The facilities afforded by canals and rail roads to collect, with any desirable expedition, the supplies of an army from a country abounding with them, and to transport them to the proper points, render large depots unnecessary. An object of attack to an enemy, is thus removed, and the consequences of the capture of large collections of munitions of war, or of subsistence, by a hostile force, thus enabled to maintain itself, are obviated.

The expense of military operations will be reduced beyond what could have been expected, aided by the same facilities. During the last war with Great Britain, the cost of transportation from New York to Plattsburg, Sackett's Harbor, and Buffalo, was from five to twelve dollars per hundred. The present cost to Plattsburg is thirty cents, and to the other point named, sixty cents per hundred. A twelve pounder, which, at the cheapest rate, could not have been carried to Buffalo for less than two hundred dollars, may now be transported to the same point, in one-fifth or one-eighth of the time, for twenty-four dollars. In every point of view in which these works can be considered, their cost is so much actually added to the defensive means of the nation, without any expense to the general government other than the subscriptions it has authorized to a few of them; and it may be affirmed, without exaggeration, that the aggregate of saving, in any future war in which we may be engaged, will be a very small amount of military force that will be necessary for defence, and in the cheapness of transportation afforded by rail roads and canals now in existence, will be equal to the cost of their construction. If, then, the making of these works has been premature or imprudent, in reference to the means of the states that undertook them, and have involved them in pecuniary embarrassments, the national government should not complain of an enterprise that has placed these incalculable advantages in its hands; and if it cannot relieve, will at least sympathize in their necessities, which have resulted from such efforts. The report from the ordnance bureau, explaining the measures which have been taken for the armament of fortifications, and the forts which have been wholly or partially armed. This object will be steadily and vigorously pursued, to the extent of the means provided by congress. The estimate for that purpose is the amount of the annual appropriation being necessary to the completion of the armaments so rapidly as the nature of the service would permit. It is to be hoped that in view of the great importance of the object, no reduction of the estimate will be made.

The attention of congress has, for the last ten years, been repeatedly invoked to the necessity of a foundry for cannon, belonging to, and under the charge of the government; but, from an apprehension of the great expense which it was supposed would be incurred by such an establishment, or from a doubt of its necessity, nothing has as yet been done. Besides the great expense, which such a plan might be devised on a much more limited scale of expense, which would attain the principal objects in view, the ordnance bureau was directed to consider and mature such a plan, and estimate the cost of its execution. The accompanying report, (No. 12), from that bureau presents such a plan, explains the important use to which it is proposed to be put, and from its adoption, and furnishes estimates of the expense of its execution. Some additional views in its favor are presented in the accompanying letter of the chief engineer. I cannot hesitate earnestly to recommend its execution. It is known that there are some products of the present mode of manufacturing our mines, of various qualities, and adapted to different uses. While one species may be valuable for many purposes, it is utterly unfit for others. It is supposed, also, that its value may depend much on the kind of fuel used in its fabrication. It is not to be expected that the propriety of the plan, or of these and various other matters connected with the manufacture of cannon of the best quality can be made at private expense. Nor, if they were, could such entire reliance be placed on their results as if they had been conducted by disinterested public officers. Besides, the government is almost exclusively the purchaser of the article, and has the deepest interest in its quality. It is, therefore, peculiarly its interest as well as duty to assist, by all proper means, the manufacture, in the cheapest manner, of the best material. The experience already obtained of the great improvement in our arms, which has resulted by the operations of the national armories, affords the guarantee that similar results will attend the employment of similar means in the construction of cannon. As it is not proposed to take the business into the hands of the government exclusively, but to continue the purchase of cannon from private establishments, the expense of executing the plan will be

comparatively unimportant. The foundry may be connected with one of our arsenals, so as to be under the charge of officers already in the public service, by which the cost of construction and supervision may be essentially diminished. Admonished, as we are, by the efforts of other nations to improve the weapons of destruction, it would seem that no time should be lost in the necessary incipient measures—to select and purchase a site for a foundry, on the limited scale suggested, but equipped and supplied according to future exigencies; and it is therefore hoped that the sum estimated for that purpose will be appropriated at the coming session of congress.

In the report from this department submitted to congress with the president's message at the last session, the objections to the existing and proposed national armories were fully stated, and the propriety of dispensing with such agencies, was forcibly urged. A board of very competent citizens was appointed, on the 19th of August last, to examine the armory at Springfield, and their very able report fully justifies the objections that had been thus made. It shows, what might indeed have been expected, that the immediate and direct responsibility secured by the employment of the regular officers having charge of every other branch of the military service, was wanting in this, and that it could not be attained so long as a person was employed as superintendent, who is not free from obligations to his superior officers. System and regularity in the hours of labor, are as essential in this as in any other workshop.—The 9th section of the act of February 8, 1815, and which section is still in force, places the different public armories under the direction of the ordnance department, in order "to ensure the uniformity and regularity in their operations." There were officers of that department who could be spared from other service to take charge of the armories, and they were detailed for that purpose by the head of this department who immediately preceded the present incumbent. It is to be regretted that the uniformity with the spirit of the law, and finding its propriety confirmed by the evidence afforded by the report already mentioned, it has been adhered to. The office of superintendent, therefore, has been left vacant from a consideration of its being not only unnecessary, but positively injurious to the distribution of small arms to the several states. Great inequalities exist, and great injustice is done to many of the states in the present mode. The recommendations in the report relating to an increase of force in the office, and the regulation of the pay of the clerks, may doubtless receive the consideration to which they are entitled.

The proceedings of the ordnance board in revising and amending the armament of the troops, are stated in the report. The advantage already derived from the information acquired by the officers who were sent to Europe has evinced the wisdom of that measure.

The danger to the populous places in the vicinity of the stores of gunpowder belonging to the government, and the hazard to which those stores are exposed by such contiguity, suggested the propriety of an inquiry whether a depot for the reserved powder, and a warehouse for ordinary stores, might be established in some spot where it would be as secure as human art could render it, and where in case of explosion, the least possible injury would be produced. A board of officers was accordingly appointed to make such inquiry; whose report is herewith submitted. (No. 13.) The indications of the report are strongly suggested by them is respectfully recommended.

The quartermaster general's report exhibits the very extensive operations of that department during the past year, and the efficiency and energy with which they have been prosecuted. They embrace so much of detail as to preclude an enumeration of them in this paper. The various recommendations which are made by the distinguished officers at the head of that department, will doubtless receive all the consideration which is due to the suggestions of great experience and high military talent. Among those which appear to the undersigned as most deserving immediate attention are the following:

The recommendation of a military road within our acknowledged limits, to supply subsistence and other stores to Fort Kent and Fairfield, in the state of Maine. Circumstances of a peculiar character seem to demand that no time should be lost in the commencement of this work.

The establishment of a strong fort at Fort Brady, with commodious barracks, commanding the com-

munication with Lake Superior, seems also indispensable.

And a post on the Missouri frontier, south of Fort Leavenworth, is necessary, in connection with the plan of defence for that portion of our territory.

The propriety of commencing the erection of permanent works in the keys or on the peninsula of Florida, is strongly presented.

Of the utility of opening and improving some, if not all, the interior communications mentioned in the report, at some time, there probably can be little doubt; whether that time has arrived, will be for the wisdom of congress to decide.

The delay in the settlement of the accounts of officers, alluded to in the same report, is unquestionably a great source of evil. A report from the second auditor has been made, pursuant to a call from this department, by which it appears that there are 1,173 accounts remaining in his office unsettled; of which ten were presented prior to 1839, four in that year, sixteen in 1840, and 1,143 in 1841. A similar report from the third auditor shows that there are 1,344 accounts in his office unsettled; of which 257 were presented prior to 1839, 373 in that year, 436 in 1840, 738 in 1841. Whatever may be the cause of this delay, (which is believed not to be in any want of efficiency in the auditors or their clerks, but rather in the inordinate amount of business and the more frequent calls for information), its existence is most injurious to the government, and often ruinous to the individuals concerned. If the remedy is to be found in an increase of force in those offices, there can be no doubt of the necessity of its prompt application.

A change in the mode of accounting for property in the hands of officers, suggested in the same report, is earnestly recommended, as equally necessary to the protection of the government and the security of its agents. Such a change will do much to diminish the labors of the auditors' offices.

The increase in the number of the troops called into service in Florida, in 1839, by the governor of that territory, seem to be just. There is a difficulty, however, in directing their payment by this department, in consequence of the only appropriation on the subject—that made by the act of September 9, 1841—being, by its reference to the act of 1836, limited to the troops called into service under the authority of the war department. Although such authority was given for a larger number than was actually raised, yet the troops in question seem not to have been called into service under it, but under an act of the territorial legislature, and were not mustered into the service of the United States. The remedy requires the interposition of congress, as well to defray the charges for subsistence, as to provide for the pay of the troops; and it is hoped that no objections of a merely technical character will prevent full justice being done to the militia who obeyed the call of the government.

The strong appeal made by the quartermaster general to the justice of the country to redeem the pledge given by him to the Creeks, as a consideration for their removal to the west, and of their raising a regiment of warriors who served faithfully in Florida, cannot be resisted consistently with any regard for the principles which it is the object of our institutions to maintain. Infidelity to our engagements, and a refusal to remunerate faithful service, will not increase either the confidence or respect of the Indians who have relied on our honor. It is to be hoped that the subject will be examined, and full justice rendered by congress to the warriors.

The progress which has been made in the construction and improvement of the fortifications at the different harbors on the sea coast will be seen from the report of the chief engineer. The means for these purposes having been appropriated at the extra session of congress, but little time has been given for the employment of the troops. It will be seen that the works have been vigorously prosecuted, and that probably more than was contemplated has been accomplished.

It will be seen that some of the most important works for the defence of the harbor of New York were commenced, and that the appropriations for them were recommended at the late session. It is of the utmost consequence, to the protection of that city, that prompt and decisive action should be had upon the subject.

The same report shows what has been done toward the completion of the various improvements, and the continuation of roads heretofore undertaken by the government, and in charge of the engineer department. The want of appropriations has arrested these works and exposed some of them to the inevitable injuries consequent upon their being left in an unfinished state. Every consideration of policy and justice seems to require that these should no longer remain, either as memorials of any inprovidence in

undertaking them, or of an instability of purpose in refusing to prosecute works of unquestioned usefulness. If any of them are of such a character that they ought not to be completed, they should be discontinued directly and unequivocally; and those which are worthy the enterprise of a liberal and paternal government, should be vigorously prosecuted and finished.

The presentation of the military academy at West Point is exhibited in the report of the chief engineer and in that of the board of visitors, selected from the different portions of the United States, to scrutinize all its affairs. There is great reason to congratulate the country upon the success which has attended the measures adopted by the government to furnish the means of military instruction to our youth, and of preserving and improving that science upon which our safety in war must at all times depend. In an age remarkable for the extent to which human inventions, in all departments, have been carried, and in which the art of war has undergone essential modifications, from the introduction of new agents and the improvement of those previously existing, it would indeed be a reproach to the intelligence of our country, and a reflection upon the tendencies of our free institutions, if we refused or neglected to avail ourselves of the only means by which we can give to the bravery of our citizens the aid of that science which is alone necessary to render them equal to the skillful cohorts that may be sent to our shores by a European nation. The time has long since passed, if it ever existed, when mere valor could compete with discipline and science. If education be necessary to prepare for any profession, surely that of arms cannot be an exception. As it is, in its nature, one that cannot derive any support from private interests or individual employment, but is wholly public in its uses, the provision for acquiring it must be made by the government, or it will not be made at all, or not in a manner and to an extent adequate to the service.

By imparting the highest degree of military science to the young men who are annually sent forth from the academy, the country gains not only a large number of accomplished individuals, but the information which they possess becomes diffused among the body of the army, and the dissemination of the science for the improvement of the militia. Indeed, that sure ultimate resource, in any conflict in which we may be engaged, will be indebted for its advancement more to the establishment of an institution in which the military knowledge of the world is collected, preserved, and taught, than to any one other cause. The spirit the improved discipline, and the furnished alignment for the instruction of the militia. Indeed, that sure ultimate resource, in any conflict in which we may be engaged, will be indebted for its advancement more to the establishment of an institution in which the military knowledge of the world is collected, preserved, and taught, than to any one other cause. The spirit the improved discipline, and the furnished alignment for the instruction of the militia.

The improvements recommended by the board of visitors, which are within the competency of this department, will receive the careful consideration to which the high source from which they emanate entitles them. Those which depend on the action of congress, it is hoped, will meet the favor of that body.

The suggestion that provision be made for an additional instruction, and that the government should employ some of its present duties, that he may devote more time to the moral instruction of the pupils, will commend itself to every mind that reflects on the dangers to which they are exposed in consequence of their being "separated from the wholesome restraints of friends and kindred, and deprived of parental guidance."

The remarks of the visitors on the indispensable necessity of new and enlarged barracks, as well for the health as the intellectual improvement of the cadets, present the subject so strongly as not to admit of any further observations in their support, other than that, in any war in which this country may be engaged, it is a recommendation that has already been strenuously urged upon the attention of congress.

The course of instruction at West Point is, however imperfect in one essential particular—the means of acquiring practical knowledge of the duties of sappers, miners and pontooners. Although it is not deemed that, in any war in which this country may be engaged, we shall have occasion to attack many other fortifications than such as may be captured from us by an enemy; yet, while the knowledge referred to would be indispensable even for such a purpose, the defence of such places equally requires the knowledge of the duties of sappers, miners and pontooners. It would be assumed, that we may be prepared to counteract them. But in any warfare which should be carried on upon our territory, the most effectual means of crossing streams by the construction of bridges, or otherwise, with the greatest expedition, of embarrassing an enemy in his march or retreat, and

of protecting our own forces, would be elements of the greatest importance, and like all other operations of human agency, they are to be improved and perfected only by the combination of science with practical experience. It is earnestly hoped that these considerations, with those so powerfully stated in the report of the chief engineer, and those so repeatedly urged by my predecessors, will induce congress to make the necessary appropriation for the establishment, at West Point, of a corps of sappers, miners, and nonpointers.

The report of the officer having charge of the bureau of topographical engineers, affords us the most satisfactory evidence of the great ability and usefulness of that corps. Having been very recently organized, and not being furnished with means for any extensive operations until within the past year, its capacity and utility are now, for the first time, fully demonstrated. The most important months of its career, of the boundary line between us and Texas, from the mouth of the Sabine to Red river, and of the Des Moines and Iowa rivers, have been completed, while the most difficult part of the boundary between Michigan and Wisconsin has been finished. The surveys of the lakes, and that of the northeastern boundary, are in progress. The means of preparatory operations, and the remainder of the important work are detailed in the report, and that important work will be prosecuted with vigor.

It will be perceived that the works for the improvement of harbors already authorised have been arranged into two classes: first, those of great importance and immediate necessity; and second, those of perhaps equal importance, but in respect to which there are no peculiar circumstances so urgent for speedy action as in the first class. The plan of proceeding gradually, with a due regard to economy and the condition of the treasury, and with reference to the means and equipment of the different parts of the country, will it is believed, be more likely to accomplish a greater amount of the desired improvement than any other mode.

The total estimates for the works of the first class is \$575,000, while the very moderate sum of \$30,000 is asked to preserve those of the second class from decay. It should not be inferred that any intention exists of abandoning many most valuable and important works, for which no specific estimates are submitted. On the contrary, the very recommendation to preserve them proceeds from a desire for their completion at the proper time, and in due course, in reference to the principles before stated.

The works for which specific estimates are submitted are upon the Atlantic and lake coasts, of which by far the largest amount is for the former.

While justice is thus done to the maritime frontier, in the improvement of its harbors and in the provisions for its military and naval defenses, the exceedingly important and rapidly increasing commerce of the lakes is fairly entitled to consideration and assistance, by rendering accessible the harbors universally obstructed by natural impediments, and by affording light houses for a hazardous navigation. At the present time, this commerce, based on the productions of seven states and one territory, must annually exceed \$10,000,000; and as it expands and increases it will give additional value to the public domain, which will soon add its tributary streams to the great tide of internal trade that flows from Lake Superior to the Atlantic.

Having now two corps of officers, composed of gentlemen of the highest scientific acquirements, combined with much experience, there can no longer be any reasons for making appropriations to improve harbors or rivers, in the absence of full and accurate information from those equally competent and disinterested. I concur, therefore, entirely in the remark made by a predecessor in 1839, that the whole system may be brought into deserved disrepute, unless examinations are directed, and reports had, previous to any appropriations for such purposes.

The report of the paymaster general and the acting surgeon general, show the operations of those departments and the activity that prevails in them.

The reports of the commissary general of subsistence exhibits several gratifying results. The expense for subsistence will be considerably diminished the ensuing year. There has been great promptness in the rendering of their accounts by the disbursing officers, and in the settlement of those of the army and special contractors; and not a cent has been lost during the year through the regular disbursing officers of the department, or its temporary agents.

The report of the commissary of purchases contains the usual statements of the quantity of materials of clothing on hand and procured during the year, the quantity made up, and the balance remaining; the quantity of each of the different articles made up at the clothing establishment and issued, and the quantity on hand; and the quantity of clothing, and of

camp and garrison equipage on hand and purchased during the year, the quantity issued and the balance on hand. There is also a statement of the comparative cost of the different articles of clothing, &c. for the last three years, from which it appears there has been a reduction in the cost of nearly all of them during the last year.

Deeming the establishment of a clothing bureau at the city of Washington, in conflict with the provisions of the act of May, 1826, by which the quartermaster's department is charged with the duty of receiving from the purchasing department, and distributing to the army, all clothing and camp and garrison equipage, it has been discontinued, and its business will hereafter be conducted under the supervision of the quartermaster general. By this arrangement a more effectual accountability is secured.

From the report of the commissioner of pensions, it will be seen that during the last year, the number of pensioners on the rolls has diminished more than one third, the greatest proportion having occurred among the invalids, the revolutionary pensioners under the act of 1818, and the widows of certain persons who served in the war of the revolution, under the act of 1792. The whole number of all descriptions on the rolls at the date of the last annual report, was forty-four thousand three hundred and ninety-four. The whole number at present is twenty-six thousand five hundred and thirty-one, of whom two thousand six hundred and five are invalids; three thousand nine hundred and fifty-eight receive pensions under the act of 1818; four hundred and thirty-six under the act of 1828; sixteen thousand six hundred and eighty-two under the act of 1792; and three hundred and three under the act of 1836; and five hundred and forty-seven widows under the act of 1838.

The vexatious operation of the act of 1838, which requires pensions, unclaimed for eight months, to be returned to the treasury, has heretofore been presented to the consideration of congress, and I cannot but concur in the recommendation for its repeal.

I cannot refrain from calling attention to the case of the wounded Cherokee Indians, to whom the faith of the nation was pledged by the 14th article of the treaty with the Cherokees, of the 29th December, 1835, to provide pensions to such as were engaged on the side of the United States, in the late war with Great Britain and the southern tribes of Indians, and who were wounded in such service. The few who remain have applied in vain to the pension office for the promised remuneration; but it is to be hoped that justice, although tardy, will now be rendered to them.

Justice, although not a part of the late first clerk of the boundary land office, it appears that about twenty claims for warrants, for revolutionary services, have been filed and duly established since the 1st day of January, 1840, on which day the last law for extending the term of the warrants expired. It is also ascertained that one hundred and fourteen claims for warrants on account of services rendered in the late war with Great Britain, have been deposited and established, although the act authorising such warrants expired on the 26th day of May, 1839. The act authorising the issue of warrants for Revolutionary services, expired on the 30th of September, 1839, it appears that thirteen claims of a similar character were presented and substantiated in that year, after the expiration of the act: and by a like report, for the year 1840, it appears that seventy-six claims were established, and that the act authorising the issue of the same expired act; making the total number thus established, up to the 15th November last, two hundred and three. The authority for issuing these warrants having expired, it is difficult to perceive on what ground the claims have been established. It is to be feared that the validity of the proofs that may have been taken since that authority ceased.

The same remark applies to the claims for services rendered in the war of the revolution. The attention of congress having been repeatedly called to the fact, that the laws on the subject of both these descriptions of claims had become obsolete, and no act reviving them having been passed, the utility of maintaining a distinct bureau for their examination was not perceived; and whatever business remains to be done, has been placed under the supervision of the commissioner of pensions, with his assent.

commissioner or secretary a dereliction of duty to omit calling the attention of congress to a subject to which it has been so often invited by a predecessor in this department, namely, the insecurity and inconvenience of the buildings in which, for want of room in the war office, the offices of the paymaster general, of the ordnance bureau, of the chief military engineer, of the topographical engineers, and the commissioner of pensions are kept. Models, curves, maps, reports and other documents of incalculable value, belonging to these bureaus, are imminently exposed. Some immediate provision for a suitable building seems indispensable.

By a joint resolution of congress, approved February 13, 1829, the secretary of war was authorised to contract for the purchase of the island at the confluence of the St. Peter's and Mississippi rivers; and to report his proceedings to congress, subject to their approval or rejection. On the 12th March, 1839, the contract was made, and the sum of \$12,000 agreed to be paid for the property. The land was to be used for military purposes, being adjacent to Fort Snelling, an estimate for an appropriation for its purchase has been submitted, in a form which will relieve the subject of all difficulty respecting the title to the land, by leaving it to the proper department to ascertain the persons entitled to the purchase money. A communication of my immediate predecessor to the secretary of war, dated at Washington the 23d September, 1841, will furnish all the information on the subject in the possession of this department.

Pursuant to the appropriation in the act of September 9, 1841, for defraying the expenses of selecting suitable site on the western waters for the establishment of a national armory, a board of officers, consisting of Brevet Brigadier General Armistead, Lieutenant Colonel Long, of the topographical engineers, and Surgeon General Lawson, has been appointed to make the necessary examinations. They are now engaged in that duty, and their report on the subject will be laid before you as soon as it shall be received.

The report of the commissioner of Indian Affairs presents much valuable information concerning the very important matters in charge of that bureau. The absence of the commissioner in the negotiation of a treaty, when the undersigned was called to the report, was an unfortunate circumstance. Afterward, in the report, the very short time allowed for the examination and consideration of the various and complicated relations with the Indian tribes, will account for the omission. In this report, of views and opinions which might be otherwise expected. Believing it to be the duty of the undersigned to call to the attention and mature deliberation, it will not cease to engage the most strenuous efforts to improve its administration, and promote the interests of the helpless people who are the objects of its care; and, on occasion should require any suggestions for those purposes, they will hereafter be the subject of a special report.

The amendments made by the president and senate to the treaty with the Miami tribe, were assented to by them in the month of June last; thus extinguishing the Indian title to lands throughout the whole state of Indiana. An arrangement has also been made with the Saganaw Indians, by which certain omissions in the treaty of 1837 have been supplied, and the cession of their lands intended to be embraced in it, has been completed.

Since the adjournment of congress, a treaty has been concluded with some of the bands of the Sioux, for lands not included in any previous negotiation, and another has been made with the half-breeds of the Sioux, for a session of the lands set apart to them by the 9th article of the treaty held at Prairie du Chien, on the 15th of July. 1838.

A treaty is now negotiating with the Wyandots for their lands in the state of Ohio, which, it is believed, will soon be brought to a conclusion. The attempt to negotiate with the Sacs and Foxes has utterly failed. As the causes of this failure are believed to be temporary, or such as may be removed by arrangements with other tribes, a renewed effort will be made when a propitious occasion shall offer.

And when I regret that the information respecting the state of the Indian schools is so scanty and imperfect. Few subjects command themselves more strongly to all our sympathies as men and Christians, than the education and civilization of the Indian population. The obligations of partnership in the sacred obligations resulting from the provisions made in various treaties for that purpose, and from the appropriations by congress, shall be faithfully discharged. The recommendation of the commissioner to revive the school at Dancing Rabbit Creek, under the 14th article of the treaty of Dancing Rabbit Creek, and that proposing that authority should be given for the sale of lands at once, upon their being ceded, on which buildings have been erected, or improvements made, shall be faithfully and promptly and respectfully commended to the consideration of congress.

The condition of the accounts of the disbursing agents must attract prompt attention. There appear to be a large balance against some of those agents, who are supposed to be entitled to credits of equal amounts for expenditures, but which credits cannot be allowed under existing laws in consequence of the sums thus expended being taken from other funds. Some law like that suggested by the commissioner, authorizing transfers of appropriations, seems indispensable; and the interest of government as well as of the agents, requires that it should be passed as speedily as possible.

Measures have been taken to execute the act of 1834, in relation to intrusions on Indian lands, for the purpose of preventing the sale of liquor and unlicensed trading, which it is hoped may prove successful.

Respectfully submitted,

JOHN C. SPENCER.

TO THE PRESIDENT.

TWENTY-SEVENTH CONGRESS, SECOND SESSION.

SENATE.

DECEMBER 9. Mr. Woodbridge, of Michigan, appeared in his seat.
On motion the 34th rule of the senate was so far suspended as to admit the chair to appoint the standing committees.

The senate then adjourned to Monday, 12 o'clock.

DECEMBER 13. Mr. Sevier, of Arkansas, appeared in his place to-day.
A message was received from the president of the United States, covering a report from the secretary of war, made in compliance with a resolution of the senate of the 3d of March last, showing the comparative condition of the public defenses. Laid on the table, and ordered to be printed.

The president of the senate laid before that body a report from the secretary of state, made according to law, showing the incidental and contingent expenses of that department ending on the 30th September, 1841. Also, from the secretary of the navy, exhibiting the contingent expenses of the secretary of the navy and navy commissioners' offices, which were severally laid on the table, and ordered to be printed.

Mr. Mangum gave notice that to-morrow he would introduce a committee in relation to the appointment of a committee to investigate or regulate the public printing.

A message was received from the house of representatives, stating that it had passed a resolution appointing on its part a committee of three members to direct the expenditure of all moneys appropriated for the purchase of books for the library of congress.

Mr. Clayton moved that the resolution be concurred in, which motion was adopted.

Mr. Sevier expressed at the same time a desire that he might not be appointed on the committee on the part of the senate, as he desired to be relieved from the duties. He would move that the chair appoint the committee; which motion was concurred in.

On motion, the senate proceeded to the election of chaplain. Twelve yeas and four nays were given, thirty-four yeas, number the Rev. Mr. Tustion received 28; the Rev. Mr. Gurley 3; the Rev. Mr. Clarke 2; and Rev. Mr. Bullfinch 1. The senate then adjourned.

DECEMBER 14. The president of the senate laid before the body a report from the secretary of the treasury, made in compliance with the act of 2d March, 1831, in relation to certain insolvent debtors of the United States.

A report from the secretary of war, made according to law, accompanied by abstracts of the expenditures of the contingent funds of the department and its offices for the year 1841.

The president of the senate announced the following as the standing committees of the 2d session of 27th congress:

On foreign relations—Mr. Rives, chairman, Preston, Buchanan, Tallmadge, Choate.
On finance—Mr. Evans, chairman, Berrien, Woodbury, Mangum, Bayard.

On commerce—Mr. Huntington, chairman, Woodbridge, King, Barrow, Wright.
On manufactures—Mr. Simmons, chairman, Archer, Miller, Buchanan, Morehead.

On agriculture—Mr. Linn, chairman, Bates, Barrow, Sturgeon, Simmons.

On military affairs—Mr. Preston, chairman, Merrick, Benton, Archer, Pierce.

On the militia—Mr. Phelps, chairman, Fulton, Smith, of Indiana, Williams, McRoberts.

On naval affairs—Mr. Mangum, chairman, Archer, Williams, Choate, Bayard.

On public lands—Mr. Smith, of Indiana, chairman, Tallmadge, Walker, Huntington, Prentiss.

On private land claims—Mr. Henderson, chairman, Linn, of Tappan, Fulton, Dixon.

On Indian affairs—Mr. Morehead, chairman, White, Sevier, Phelps, Benton.

On claims—Mr. Graham, chairman, Wright, Woodbury, Woodbridge, Phelps.

On resolutions—Mr. Smith, of Indiana, chairman, Clay, Smith, of Connecticut, Allen, Cutbush.

On the judiciary—Mr. Berrien, chairman, Clayton, Prentiss, Walker, Kerr.

On the post office and post roads—Mr. Merrick, chairman, Simmons, McRoberts, Mouton, Miller.

On roads and canals—Mr. Porter, chairman, White, Young, King, Cutbush.

On pensions—Mr. Bates, chairman, Pierce, Allen, Graham, Sevier.

On the District of Columbia—Mr. Bayard, chairman, Clayton, King, Kerr, Rives.

On patents and the patent office—Mr. Prentiss, chairman, Forter, Henderson, Mouton, Sturgeon.

On the public buildings—Mr. Kerr, chairman, Fulton, Evans.

On engraving bills—Mr. McRoberts, chairman, Miller, Sturgeon.

On enrolled bills—Mr. Porter and Mr. Williams.

On library—Messrs. Preston, Tappan and Choate.

On the contingent expenses of the senate—Mr. White, chairman, Tappan, Evans.

Memorials and petitions were then presented and referred.

The following bills were introduced on leave, read a first and second time, and appropriately referred:

By Mr. Prentiss: A bill to establish a board of commissioners to hear and examine claims against the United States.

By Mr. King: A bill to establish an additional land district in the state of Alabama.

By Mr. Williams: A bill to provide for settlement with the state of Maine for her claims for the services of her militia.

By Mr. Pierce: A bill to provide for the payment of invalid pensions of certain Cherokee warriors, under the 14th article of the treaty of 1835.

By Mr. Fulton: A bill allowing drawback upon foreign merchandise exported in the original packages to Chihuahua and Santa Fe, in Mexico.

By Mr. Berrien: A bill to provide for the payment of the claims of the state of Georgia, for the services of her militia, called out in cases of emergency to suppress Indian hostilities.

By Mr. Woodbury: A bill for increasing the pay of certain officers of the revenue cutter service when serving in the navy of the United States.

Mr. Mangum said, in accordance with the notice he gave yesterday, he would now present the following resolution:

Resolved, That a standing committee of the senate be appointed, to whom shall be referred every question on printing of documents, reports or other matter transmitted by either of the executive departments, and all memorials, petitions, accompanying documents, together with all other matter, the printing of which shall be moved, except bills originating in congress, resolutions offered by any senator, and motions to print, by order of the standing committees of the senate, of reports, documents or other matters pertaining to the subjects referred to such committees by the senate; and it shall be the duty of such committee on printing to report in every case, in one day, or sooner, if practicable.

Mr. Mangum said that he supposed the resolution would lie upon the table one day. He had made some alteration in the resolution, which made an exception in favor of all the regular business, reports of bills, resolutions of the standing committees, petitions, &c. The design of this resolution was to supersede the committee on printing, and such matters as came from the departments. It was not courteous to the standing committees that such matters should be referred, and for that purpose the appointment of a standing committee had been moved. The object was to cut off that branch of printing, a great deal of which was done, and which was unnecessary for the country.

Mr. King suggested that it lie over and be printed; which was agreed to.

Mr. Linn submitted the following:

Resolved, That the committee on commerce be instructed to inquire into the expediency of making an appropriation to improve the navigation of the Ohio, Mississippi, and Missouri rivers, by the removal of snags, sawn trees, and other obstructions in their beds, which annually destroy a great number of steamboats and other water craft, and a vast amount of produce and merchandise.

Mr. Mouton submitted the following:

Resolved, That the secretary of the treasury be directed to inform the senate what amount of public lands are now surveyed and prepared for market in the state of Louisiana, and what amount of lands in said state have been advertised for sale by proclamation, and the sales afterwards suspended.

And then the senate, after a short executive session, adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, DEC. 9. [The following members attended on Wednesday, in addition to those previously named:—Mr. Woodbridge, v. z. Messrs. Southers, P. C. Caldwell, Ferris, McKay, S. H. Butler, Mallory, John Hastings, King, W. Butler, Sprigg, Baker and Egbert.]

The hon. Joseph R. Ingersoll, member elect from the state of Pennsylvania, vice the hon. John Sergeant, resigned, introduced to the house by Mr. Toland, was qualified and took his seat.

The following members also appeared: Messrs. C. J. Ingersoll, Elisha H. Allen, David Bronson and John Thompson Mason.

Mr. Fillmore rose and submitted resolutions providing for the distribution of the message to the proper committees, upon which some debating ensued, which led to no material issue. He urged the importance to the speaker of knowing what select committees were to be raised.

Mr. Gilmer said that every member knew what regular standing committees must be raised. On that point no further debate was necessary. He desired that the speaker should first announce the standing committees, and the house could then better judge of the propriety of appointing special committees with a view to particular subjects.

A message was received from the senate by A. Dickens, ex. secretary, stating that that body had passed a resolution providing "that two chaplains, of different denominations, be elected to congress during the present session, one by each house, to interchange weekly," and asking the concurrence of the house thereon.

A message in writing was received from the president of the United States, by the hands of Robert Tyler, ex. his secretary.

Mr. Clifford rose and addressed the chair, when the speaker reminded him that debate on the resolutions of the gentleman from N. York (Mr. Fillmore) was not in order, they not having been received.

Mr. Lawrence, of Pennsylvania, then rose and addressed the house in the following words:

"MR. SPEAKER: I rise to perform the melancholy duty of announcing to the house the death of a respected colleague, the hon. HENRY BLACK, late a member of this house from the state of Pennsylvania."

He died on the 28th of November, of apoplexy, at his residence in Somerset county.

But a few months had passed away since my colleague from Adams was called upon to announce the death of the predecessor of Judge Black, the hon. Charles Ogile. To supply the vacancy occasioned by the death of Mr. Ogile, Judge Black was elected by a very large majority of the people of the district. He took his seat in the house during the late extra session at an advanced stage of the session, but still in time to participate in most of the important measures passed upon by congress during that period; and although the time allowed to him here was too short to form a general acquaintance with all the members, still all who knew him must have been struck by the calmness and wisdom of his mind, and the mild and amiable in his temper, modest and unassuming in his character and intercourse, unyielding in his integrity, with principles firmly established, yet with a mind always open to reason. Honored in early life with the confidence of the people of his district, he was elected a member of the legislature of his native state, where he served with honor. Subsequently he was appointed a judge of the court, where he remained until his destiny was changed by those who "delighted to honor him," by giving him a seat on this floor, where he has filled the measure of his public service.

Mr. Speaker, while, in common with my colleagues, I feel deeply sensible on the occasion, yet I stand in a relation to the deceased peculiar to myself. He was the companion of my boyhood, my acquaintance in riper years, my friend in private and my associate in public life. I knew his worth, and I feel his loss.

It was day previous to his death he was the enjoyment of usual health, with a fair prospect of a vigorous old age, surrounded by his family and friends, expecting shortly to exchange the sweets of domestic enjoyment for the bustle of public life. But the decree had gone forth; another day, and he is in the world no more.

This suddenly has his family and numerous friends been plunged into deep distress by the loss of an affectionate husband, a tender parent, and a devoted friend. I will conclude by offering for the consideration of the house a resolution which I hold in my hand:

Resolved, That this house has heard with deep regret the announcement of the death of the hon. HENRY BLACK, of PENNSYLVANIA, late a member of this congress, and that the members of this house will testify their respect for his memory by wearing crape on the left arm for thirty days."

Which being adopted the house adjourned.

FRIDAY, DEC. 10. The speaker stated that there were several executive communications on his table, but that as the house, he would now proceed to lay before it.

The speaker presented a communication from the navy department, on the subject of the expenditures therein, but suggested that on reflection it would be better to let the communications remain as they were, until the committees should have been appointed, which suggestion the house adopted.

The speaker announced that the first order of business would be the presentation of petitions.

Mr. Care Johnson was understood to inquire of the speaker whether the special order (being the consideration of the report of the select committee on the rules) would not come up first in order.

The speaker said that business would be strictly in order.

Mr. Wm. Carl Johnson moved that the said report be laid on the table.

Mr. Jarned asked the yeas and nays on the motion to lay on the table, which were ordered, and, being taken, were as follows: yeas 96, nays 88.

Mr. Care Johnson, with a view, he was understood to say, to give the speaker an opportunity of appointing the committees, and thus completing the organization of the house, moved that when the house adjourn it adjourn to meet on Monday next; which motion was agreed to.

Mr. Cushing moved, therefore, that the house now proceed to the election of chaplain.

Mr. Lewis Williams then moved that the consideration of the motion to go into the election of chaplain be postponed until Monday next.

The yeas and nays were asked and ordered, and being taken, were—yeas 108, nays 95.

When the question, "shall the decision of the speaker stand as the judgment of the house," was taken, and decided in the affirmative; yeas 101, nays 51.

The question then being on the adoption of the resolution offered by Mr. Fillmore—

Mr. Stedley rose and said, that with great reluctance he would move the previous question. He should feel free to do so, inasmuch as the ordinary course of business, but this was a different state of things. The house had not yet organized, and they had had warning enough in the fifteen days that were consumed last session in its organization to avoid a repetition of such a course. He had desired to observe that what had been made, but he had foreborne, and, reserving for another occasion an answer to some remarks made by the gentleman from Indiana, (Mr. Preffick), he moved the previous question.

Mr. W. F. wanted to get a little information before he voted on this matter, and appealed to the gentleman from North Carolina (Mr. Stedley) to withdraw his call for the previous question, pledging himself to renew it before he took his seat.

Mr. Stedley declined a compliance with the request.

The question then being on seconding the demand for the previous question, and tellers having been called for, Messrs. Care Johnson and Talliferro were appointed tellers, and the demand for the previous question was seconded, by yeas 101, nays 51.

The question, "shall the main question be put?" was then taken, and decided in the affirmative without a division.

The question then being on the main question, (i. e. the adoption of the resolution.)

Mr. W. F. asked for a division of the question, so that the house might vote on the formation of each of the select committees separately.

The question having been accordingly divided, and the yeas and nays having been called and ordered on the first division, viz: that providing for the appointment of a select committee on "the plan of finance recommended in the president's message," the question was taken, and decided in the affirmative as follows: yeas 113, nays 53.

So the first division of the resolution was adopted.

Mr. W. F. here said, unless some other gentleman desired it, he would withdraw his call for a division of the question, so that the vote on the remaining divisions might be taken together; which having been done, the question was taken on the appointment of select committees on the apportionment of representatives and on the Smithsonian legacy, and decided in the affirmative without a division.

Mr. Wm. Carl Johnson, in pursuance of notice previously given, submitted the following resolution:

Resolved, That a select committee of nine be appointed by the speaker on the subject of establishing a national fund for the fabrication of ordnance for the use of

the army, navy, and navy of the United States, and for testing improvements in models in arms for the national defence, and to report by bill or otherwise.

Which was adopted without a division.

Mr. W. F. moved that the house adjourn; which motion prevailing, the house adjourned to Monday at 12 o'clock.

MONDAY, DEC. 13. The speaker announced the following standing committees.

Committee of elections.—Messrs. Halsted, Blair, Cravens, Benj. Randall, Borden, Barton, Torney, Houston and Reynolds.

Committee of ways and means.—Messrs. Fillmore, Rots, Samson, Mason, Wallace, T. F. Marshall, J. R. Ingersoll, J. W. Jones, Atherton and Lewis.

Committee of claims.—Messrs. Giddings, Osborne, C. C. Johnson, Arnold, Hubbard, Burke, J. W. Williams and McCall.

Committee on commerce.—Messrs. Kennedy, Winthrop, Toland, J. C. Clark, Rayner, Allen, S. J. Andrews, T. W. Williams and Ferris.

Committee on public lands.—Messrs. Morrow, Lewis Williams, Truman Smith, Gentry, Brown, Howard, Casey, Brewster and Jacob Thompson.

Committee on the post office and post roads.—Messrs. Briggs, Joseph L. Williams, Russell, Brockway, Owsley, Hopkins, Andrew Kennedy, John G. Floyd, and Plumer.

Committee for the District of Columbia.—Messrs. Underwood, Summers, Alex. Randall, Powell, Richard W. Thompson, John Campbell, Ward, Dawson and Bidlack.

Committee on the judiciary.—Messrs. Barnard, Trumbull, Pearce, Maxwell, Thomas F. Foster, Milton Brown, Charles J. Ingersoll, Roosevelt and Standish.

Committee on revolutionary claims.—Messrs. Hall, P. G. Goode, Triplett, Thomas J. Campbell, Maynard, Washington, James, Parmenter and W. O. Goode.

Committee on public expenditures.—Messrs. Shepperd, Lion Hudson, John T. Stuart, Meriwether, Green, Clinton, Littlefield, and McClellan.

Committee on private land claims.—Messrs. Moore, A. H. H. Stuart, John Young, William C. Johnson, R. D. Davis, Cross, Turney, Payne and Charles Brown.

Committee on manufactures.—Messrs. Salfonstall, Tillinghast, Randolph, Shade, Hunt, Henry, Habersham, Aaron F. Brown and F. C. Caldwell.

Committee of agriculture.—Messrs. Deberry, Ridgway, Simonton, Mattocks, Doug, Shaw, Edwards, Partridge and John Hastings.

Committee on Indian affairs.—Messrs. Cooper, Caruthers, Chittenden, Solters, W. Butler, Watterson, Harris, Weller and John C. Edwards.

Committee on military affairs.—Messrs. Stanley, Pendleton, Goggin, William B. Campbell, Stokely, Wm. O. Butler, Sumter, Miller and J. T. Mason.

Committee on the militia.—Messrs. Keim, Colles, Ward, Boyd, S. H. Butler, Reding, Alfred Marshall, Sweeny and Houston.

Committee on naval affairs.—Messrs. Wise, King, Calhoun, John C. Clark, Burnell, Fossenden, Graham, Mallory and Clifford.

Committee on foreign affairs.—Messrs. John Q. Adams, Cushing, Everett, W. C. Johnson, Granger, Gilmer, Hunter, Rhett and Proffit.

Committee on the territories.—Messrs. Pope, Christopher, Aaron F. Brown and F. C. Caldwell.

Committee on agriculture.—Messrs. Marchand, York, Carey, Staley, N. Clarke and Joseph L. Williams.

Committee on revolutionary pensions.—Messrs. Talliferro, Rodney, Staley N. Clarke, Mathiot, L. W. Andrews, Babcock, Matthews, Fornance and Wm. Smith.

Committee on invalid pensions.—Messrs. Morris, Ayer, Baker, Gordon, Stratton, Isaac D. Jones, Dean, Sanford and Augustus Young.

Committee on roads and canals.—Messrs. Lawrence, Lane, John B. Thompson, W. W. Irwin, Sprigg, Steenrod, Wood, Daniels and Riggs.

Committee on patents.—Messrs. R. McClellan, Cranston, Gerry, Hansey and Sanford.

Committee on public buildings and grounds.—Messrs. Boardman, Ward, Augustus Young, Cranston and Bowne.

Committee on revival and unfinished business.—Messrs. Eastman, Beeson, C. A. Floyd, Jack and Mattocks.

Committee on accounts.—Messrs. Marchand, York, Carey, Staley, N. Clarke and Joseph L. Williams.

Committee on mileage.—Messrs. Thomas W. Williams, Meriwether, John C. Edwards, Westbrook and Egbert.

Committee on the library on the part of the house.—Messrs. Tillinghast, Ayer, and Sumter.

The speaker also announced the following select committees, appointed under the order of Friday last:

Select committee on finance and the currency.—Messrs. Cushing, John P. Kennedy, Gilmer, G. Davis, Wise, Roosevelt, Proffit, McKay and Wm. W. Irwin.

Select committee on the apportionment of representatives.—Messrs. Everett, Childs, Caruthers, Summers, Pearce, John H. Stuart, Miller, Cross and Weller.

Select committee on the Smithsonian legacy.—Messrs. J. Q. Adams, Habersham, Truman Smith, Underwood, Benj. Randall, Charles J. Ingersoll, Hunter, Houston and Bowne.

Select committee on the national fund.—Messrs. Wm. C. Johnson, Stuart, Miller, King, Randolph, Mallory, Hunt, Keim, Parmenter and Care Johnson.

Mr. Briggs offered the following resolution, which was adopted unanimously:

Resolved, That the clerk of the house pay the funeral expenses of Col. John W. Hunter, late assistant doctor of the army.

Mr. B. then offered the following resolution:

Resolved, That the office of assistant doorkeeper is not necessary for the service of this house, and that the same be hereby abolished.

Mr. Care Johnson asked the yeas and nays on the adoption of the resolution, which were ordered, and, being taken: yeas 177, nays 23. So the resolution was adopted.

Mr. Talliferro offered the following resolution, which was read for information:

Resolved, That the several memorials, petitions and resolutions presented to the house of representatives at the last congress, and which were not finally acted on, also bills which were reported, acted on, and lost in the senate, and which were referred to committees and not reported on, be again referred to the committees to which the same were respectively referred at the last congress, a written request to that effect being handed by any member to the clerk of the house, whose duty it shall be to enter the same upon the journal as it presented in the house.

And the resolution was adopted.

Mr. Underwood desired to offer the following resolution, which was read for information:

Resolved, That the speaker engage the services of four stenographers, at a compensation not exceeding \$8 per day for each, to be paid out of the contingent fund of the house, whose duty it shall be to report the debates and proceedings of the house daily, and truly, for insertion in the newspapers published in this city. The stenographers so engaged shall regulate among themselves the time which each shall employ in taking short-hand notes of the debates and proceedings, and preparing the same for the press. They shall also be provided with public printers, with all practicable despatch, a copy of their report for insertion in their paper, and such printers shall publish the same at length in the newspaper edited and published by the speaker, and at the same time, and in case they decline doing so, the reports of the stenographers shall be delivered to such other printer or editor as the speaker may designate who will insert the reports in the newspaper so employed as the stenographer so employed may be removed by the speaker, and any and another employed in his place. The speaker shall locate the stenographers so employed in such place in the hall as he may deem proper. The stenographers shall make known to any member which of them reported any speech attributed to such member.

On motion of Mr. Barnard, the house proceeded to the election of chaplain, (viva voce, as required by the rule).

The Rev. John N. Maffitt received 133 votes, the Rev. Mr. Hawley 12, and the Rev. Mr. French 23.

So the Rev. Mr. Maffitt, having received a majority of all the votes, was declared duly elected chaplain on the part of the house for the present session.

The speaker presented to the house sundry executive communications, among which were the following:

1. A letter from the secretary of war, transmitting a report of the number of small arms of every kind which belong to the United States, and are in the several arsenals and depots, including those in the use of the army; the number lost or destroyed annually; and also the number annually manufactured at each of the national arsenals, Keim, made up to the resolution of the house of representatives of the 2d September last; which letter and report was ordered to lie upon the table.

2. A letter from the secretary of state transmitting statements of the expenditure of the contingent fund of the department; referred to the committee on public expenditures.

3. A letter from the secretary of the treasury, transmitting a report in relation to certain insolvent debtors of the United States; ordered to lie on the table.

4. A letter from the clerk of the house of representatives, transmitting the statements of the expenditures for the preceding year from the fund appropriated for the contingent expenditures of the house; referred to the committee of accounts.

5. A letter from the secretary of the navy, transmitting the expenditures on account of the secretary of contingent expenses of the offices of the secretary of the navy and the navy commissioners for the year ending September 30, 1841; which were laid on the table.

On motion of Mr. Barnard, the house adjourned.

NILES' NATIONAL REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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CONTENTS OF NO. 17, VOL. 11.

FOREIGN ITEMS—Latest from Europe; earthquake in Central America.

REPORT OF THE SECRETARY OF THE TREASURY on the
fiscal agency—or exchequer.

THE EXCHEQUER BILL.
ANNUAL REPORT OF THE POSTMASTER GENERAL.
ANNUAL REPORT OF THE SECRETARY OF NAVY.
PROCEEDINGS IN CONGRESS.

We have preferred giving the exchequer report and bill submitted by the secretary of the treasury together, to the exclusion of his annual report on the finances of the country, as they reached us too late to get all three in type for this number. From the latter we ascertain that the receipts into the treasury for the first three quarters of this year, including \$4,781,636 in treasury notes and \$3,329,940.86 of the loan, have been \$8,111,576.86; the total of the receipts for the 4th quarter \$6,943,095.25; total 31,397,512.80.

The disbursements ascertained of the first three quarters are over 24 millions; the total of the year are estimated at \$32,025,070.70.

The expenditures for the ensuing year including seven millions to redeem treasury notes, are estimated at \$32,731,010, and the receipts are estimated at \$19,200,000—deficiency, \$14,218,570. For this the loan authorised at the extra session will, supply \$6,500,000, and he proposes to reissue treasury notes to the amount of five millions. The balance of \$2,718,570 as well as two millions deemed always proper to have in the treasury for exigencies, he proposes shall be raised by additional duties upon imports.

Upon the subject of the **TARIFF** the secretary is orthodox, as we conceive. He argues in favor of discriminating duties for the purpose of ensuring an equality with other countries in trade and commerce, and repudiates the idea that we should allow *free trade* to such countries as either interdict or unmercifully tax our commodities.

FOREIGN ARTICLES.

The steamer Columbia reached Boston on the 21st inst. with Liverpool dates to the 4th inst.

Queen Victoria is out again, convalescent. The queen Dowager remained in a hopeless state.

No late news from China.
American stocks remained in bad credit. U. States
bank shares sold at £1.

Cotton without variations of price, and moderate demand.

Wheat had declined 3 to 4 shillings per quarter.
Flour in limited request—prices tended 30 to 31

Money market without material change

The 50th and 98th regiments were preparing to embark for China. Distress made recruits plenty. The potato crops had failed in Ireland and great

The potato crops had failed in Ireland, and great suffering is apprehended.

From France nothing of importance. The opposition predict a change of ministers.

The regent of Spain returned to Madrid from the north on the 24th November, and was received in great style.

There had been severe fighting in the mountains of Syria, between the Druses and the Christians—numbers killed on both sides.

CENTRAL AMERICA.

A DREADFUL EARTHQUAKE took place on the 2d September at 6 A. M. A number of towns were destroyed, and the city of *Cartago* was totally ruined in a second of time, and an immense number of people killed.

REPORT OF THE SECRETARY OF THE
TREASURY.

REPORT UPON THE FISCAL AGENT,
*Transmitted on Tuesday the 21st instant, in compliance
with their request, to both houses of congress.*

The secretary of the treasury, in compliance with the resolution of the house of representatives of the 15th instant, has the honor of submitting the draught of a bill for the establishment of a board of exchequer, at the seat of government, with agencies in the several states and territories.

In preparing this bill, it has been his intention to keep within, and to fill up, the general outline of the measure, as proposed in the message of the president at the opening of the session; but he does not flatter himself that it will be found so perfect in its details as not to require modifications and careful revision by the two houses of the legislature.

As this measure has, necessarily, been for some time under the consideration of the president and his constitutional advisers, the undersigned is directed by him to accompany the bill with a general exposition of the views entertained by him, and concurred in by them, respecting it.

In what manner and under what securities the public money shall be kept; in what manner, or whether in any manner, this government shall attempt to supply a sound paper medium for payments to the treasury, and for the general uses of the people; in what manner, and under what securities, it shall attempt to benefit the general business of the country by furnishing facilities of exchange, are questions which have not ceased to agitate the community for eight years. Upon these questions much opposition has been manifested, and abundant and interesting political controversies and struggles have been founded. It is time that this state of things were brought to an end. It is time that such provisions were made for the custody of the revenue, as that the people should feel that the treasury was safe. It is time, that the government in the current and future exchange, individuals may know what they have to expect, or whether they may expect any thing from the measures of government. Doubt and uncertainty in this respect constitute the worst of all conditions. It is time that the government should be enabled, instead of giving encouragement, and applying a stimulus to individual exertion and effort, check the hand of industry, oppress the spirit of enterprise, and bring stagnation and paralysis upon the productive powers of the country. It is time that the people, connected with man's personal and domestic welfare, the people have a right to require that what is to be done should be done without further delay, in order that they may accommodate themselves to the policy of the government, whatever that policy may be, and be prepared to pursue corresponding directions in their own industry and business.

The great credit of the country is the want of confidence: confidence in the steadiness and stability of the policy of the government; confidence in that which regulates the value of property and the wages of labor; and confidence in the establishment and preservation of the necessary and ordinary means of maintaining the currency. It is, therefore, in buying and selling with security, so that the intercourse between different parts of the country may be carried on with its former activity and usefulness. The object of the plan suggested to congress in the president's message, and now presented for its consideration in the form of a bill, is to establish confidence in the government, and in its policy. It is designed to terminate contentions of long standing, and to restore the peace, quiet, and satisfaction with the state of public affairs, without which men cannot pursue their vocations either with cheerfulness or with success. Amidst the conflict of widely differing opinions, a measure is recommended which will, it is believed, which they will advance, or, at the least, than many think it desirable that government should do, or attempt to do, and at the same time far more than others are ready to recommend. It aims at a just medium, a common ground, on which those may consistently stop who might yet wish to go further, and which they may advance without the self-reproach, who would nevertheless have desired to fall short of it. It does not attempt to collect a capital by private subscription, for the general purposes of loans and discounts, and therefore does not propose to perform the ordinary functions of a bank. On the other hand, it does not propose to collect a capital from the issue of bonds, or from the sale of public lands, or from the sale of collection to the time of disbursement, nor to demand specie for every debt due to the government; making no attempt, at the same time, to furnish the country with either currency or exchange, and entirely contenting itself with securing specie payments into the treasury, in order to enable the government to issue currency established by the law, now repealed, generally called the sub-treasury act.

It is not intended here to discuss the respective merits of these two systems, which may be regarded as extreme opponents of each other. But it may be proper to say, in regard to a Bank of the U. States, that the objection to such a bank, on constitutional grounds, is not a valid objection. It is true, that the creation of such a bank could nevertheless not have been recommended to Congress, in the present condition of things, as a measure likely to afford relief to the country. Such is the condition of the currency, in many of the States, that the demand for an expression of general credit, produced by that condition, is not met, not only by other causes, and such the existing pressure in the money market, arising, as is believed, in a great degree from want of confidence, that there is little probability that private subscriptions, payable in specie, could be obtained for any bank with an ordinary charter. This opinion is supported by the fact, that six per cent. stocks of the United States Bank, in the market, go slowly and heavily into private hands; and although this is doubtless partly attributable to the short period within which those stocks were issued, and redeemed, yet the general fact concurs with other facts in producing the same conviction that it would be useless, at the present moment, to attempt the creation of a bank, with a capital to be furnished principally by private subscriptions, and intended to discount, through its branches, bills and notes in all parts of the country, even if constituted in the most judicious way. And in regard to the sub-treasury system, it is perhaps enough to say that it is supposed a return to that system at any time hereafter, is an event highly impracticable.

Between these—a bank on the one hand, and the system of the sub-treasury on the other—the present plan is offered, seeking to avoid the objections which exist to each, and to accomplish, to some extent, the good designed by both. The plan, such as it is, will be received and considered, it is not doubted, in a spirit of candor and conciliation, and with a disposition, not so much to persist in the pursuit of what may be unattainable, as to turn to the greatest practicable advantage of the country the use of all these means the employment of which may be expected to meet the general concurrence.

The bill now submitted may be considered as having three principal objects in view:

- 1st. The safe keeping of the public moneys.
- 2d. The furnishing, as well for safe and conveni-

2d. The remitting, as well for sale and convenient payments to the treasury as for the use of the country, a paper circulation always equivalent to gold and silver, and of universal credit.

(3. A provision for supplying, to some extent, the means of a cheap and safe exchange in the commerce between the several states.

OF the high importance of the first of these objects, no one can entertain a doubt. The public moneys are received by government, from the people, for the necessary support of the country, according to the necessities and oughts of the public and sacred trust. They are earned by the industry of the people; and while safely guarded, and applied only to really necessary and constitutional purposes, will be cheerfully contributed by a patriotic community. But if the government should violate the good laws and a faithful administration can make them, against both waste and loss. It was the remark of the late president, striking by its brevity as well as its truth, that every dollar lost by unfaithfulness in the management of the public moneys, is a sin, and this truth cannot be kept too fully or too constantly in view.

Debts and dues accruing to the United States are paid, in the first place, into the hands of the appropriate collectors and receivers. In these hands the safety of the funds is supposed to be secured by the integrity and care of the officer, and the sufficiency of his official bonds, and by the enforcement of a strict system of frequent accounting. In the early history of the government, and sometimes at more recent periods, when public moneys were to be used for their proper purposes, the drafts of the treasury had been made directly on these first recipients. At other times, and when there has been a bank of the United States in existence, the law has required that these moneys should be deposited in such bank.

* By the act of June, 1836, it was provided that public moneys should be deposited in certain state banks called deposit banks; and, finally, by the sub-treasu-

ry act, they were to be kept by the mint and its branches, and by certain officers called receivers general.

In all these modes of securing, or attempting to secure the safety of the public treasures, it is obvious that the main reliance, after all, is placed on the honesty and integrity of public officers; there being superadded, however, in the case of deposits with banks, the guaranty supposed to be afforded by their capital; and in the case of individuals, a security by the execution of official bonds, with responsible securities. But in none of these modes, and more than in any other, will become hereafter the subject of human trust in human hands, could it be affirmed that the funds were absolutely secured, and safe beyond all possibility of loss or danger. Committed to the care of the deposit banks, to the skill of their officers and the pledge of their capital, we know from experience, that the public money is not safe. Deposited with a bank of the U. States, although no loss ever actually happened from such deposit, we now see enough to know that there was danger, and that the safety of the public money depended upon a degree of discretion in the management of the institution, of the existence and co-existence of which we had not, and could not have perfect assurance. And, under the operation of the sub-treasury law, every thing resolved itself, at last, into confidence in the honesty and integrity of agents, and the sufficiency of their bonds. There were, it is true, chambers and vaults, with thick walls and strong bolts and burglar hands held the keys. Under that system of public custody, the same temptations existed which surrounded men of doubtful principles or wavering integrity in other institutions of public trust; and, if the system had continued, these temptations were as likely to have shown their power ever in the employed under it as they have done in others since.

It is confidently believed that the present bill contains all that is practicable, and can be useful, towards establishing a safe custody or place of keeping of the funds of the government. The system which it proposes will evidently possess some eminent advantages of safety over a bank. In banks, excessive loans, and a disposition, often prompted by their officers, to extend credit, to a large and often wholly unreasonable lengths, are a great source of danger. The board of exchequer will be free from this. It is to make no loans, and to give no accommodations. Operations in exchange, when founded in real business transactions, are usually safe in well conducted banks; but, when founded in speculation, and the safety of all banking transactions, and, in the respect, the present measure promises still greater safety than attends the same business in banks, from the strict limitations imposed on it, and the absence of all motive to run into excess. Banks, too, as we have seen, are sometimes induced to depart altogether from their proper sphere of business, and to engage themselves with commercial speculations. But into no such speculations will the board of exchequer enter.

There is plainly, therefore, less danger in the system now proposed than in a bank, so far as danger arises from the manner in which the public funds may be used; and, as to the advantages of the latter, these are equal to those of the best conducted banking institutions.

It may be said that it is hazardous, in all cases, to suffer the public funds to be employed, in any degree, in exchange or other dealing. If it be admitted that this objection is not without its force, it must be acknowledged, at the same time, that, on the other hand, that these funds would be used, not only for purposes of exchange, but, in general accommodation loans, and to a great and often dangerous extent, by any bank in which they should be deposited.

But, if, after all, it be regarded as possible that occasions may arise, in which it might be desirable, with the limitations provided in the bill it will be for Congress to decide, whether the danger so contingent shall induce it to reject the bill, and to prefer a system which looks up from all use every dollar of the public money, from its receipt to its disposal, or to permit it to be withdrawn so large a portion of the circulation from which it is the basis of society, by retaining it until wanted for disbursement, is manifestly a great evil, especially if the funds thus withdrawn be in the precious metals, it is ought not to be suffered to exist, unless the danger from the adoption of another system be equally enormous.

A plain, practical and important public good ought not to give way to dangers of doubtful occurrence, or, illicitly to be slighted in degree, if they should occur. Some risks must be run, whenever any thing important is attempted in regard to revenue and finance, as well as in other business of life; and the true question must always be, whether the danger of

loss be so clear and so great as to overbalance the evident and certain benefits. And it is to be borne in mind, also, that although the present measure has no profit to government or augmentation of revenue for its object, yet that the operations of the exchequer are expected to reveal the true amount of earnings; so that, if occasional losses should occur, such earnings may make them good.

The board of exchequer, it is to be presumed, will be composed of men of high character, known to the country, and possessing its confidence.

It will be their duty to superintend and watch over the operations of the exchequer, to receive money from day to day, and to demand from all such agents proper bonds, with responsible sureties; and it will be their duty, also, to prescribe and enforce a system of regular and prompt accounting, which shall know neither indulgence nor delay. At the principal board, and at each agency, the business of every day may be closed, and each subordinate officer called on to account for his receipts, before the day itself closes. Over this board the secretary of the treasury will exercise a superintending power, by the right of calling for all accounts, general and particular, as often as he pleases. And, finally, the absolute authority of the board will be given over the whole; and it will have created no corporation; it will have conferred no privileges or benefits, except on the public; it will have granted no vested rights to individuals; it will have parted with no portion of its own power; but its authority will remain to amend, to supervise throughout, and to render the system, at all times, according to its own pleasure.

If entire trust can not be reposed in an institution thus guaranteed, it can only be because human beings can never be the objects of absolute confidence, nor human skill always adequate to the accomplishment of its objects.

Nor is the plan justly liable to the objection, that it is the union of the purse and the sword, giving to the executive the entire and the control of the public money. Far otherwise. The president cannot touch a dollar of the public money, by his own authority, nor change its custody. The secretary of the treasury cannot touch a dollar, nor change its custody, except to meet the occasions of the public service, or to pay the officers of the government. To come to the exchequer for money, must show the law of congress under which he comes; and no payment can be made but in compliance with such law. Until appropriations are made by law, the president will have no more authority than any other individual in the country to take a farthing from the exchequer.

The purse, then, is effectually severed from the sword; the executive power is confined to its proper function of executing the laws of congress, and discharging its other high constitutional duties; and the public funds will be in their proper place, entirely free from reach of control, or of congress shall appropriate them to their destined purposes. From that time they will go into the hands of disbursing agents, as the public service may require, protected still by official responsibility and adequate bonds, and still beyond any interference by the executive power. In the exchequer, therefore, the public treasure will be placed in the most secure and safe place of loss and danger, and safe from executive control.

But the exchequer is expected to do more than merely to keep safely the public money.

Its second object is to furnish a sound paper circulation, in which debts to the government may be paid, and which may also be useful to the commerce and the general business of the country. The first of these functions is purely fiscal; and the instrumentality of such a paper medium, in certain exigencies of the country, may become indispensable to the exercise of the highest duties of government.

In so reasoning upon this subject, as to come to some practical conclusion, it is necessary to consider a few general considerations. Among these, one of primary importance is, that a paper circulation exists in the country, and that there is not the least probability of its ceasing to exist. The states possess the power of creating banks of circulation; they exercise this power; many of them derive not only general business from the exercise, and some of them even have established banks, of which they are themselves proprietors. No man can reasonably expect to see the day when they will relinquish this power, or refrain from its exercise.

In the next place, experience has confirmed the truth, beyond the possibility of doubt, that, in the absence of any other medium of universal circulation and credit; there never has been, and there is not now, any one state bank whose notes pass partly from hand to hand, as equivalent to specie, over all parts of the country. Many of these local institutions are perfectly sound, are well administered, and their credit in their own neighborhood entirely good and

unquestioned. But, from the very nature of things their credit is and must be local only. It can never be universal. The people are acquainted with the institutions of their own respective states, and generally understand the ground of the claims of such institutions, and are ready to give their respect and attention also to whatever is established by the general government, because they have an interest in the laws which it passes. But the people, that is to say, the great mass of the productive earners of one state cannot, generally speaking, be acquainted with the moneyed institutions of other states. In many cases, they do not even know such institutions by name. How, then, can they give them their confidence? We see they do not give it, even where it might be most safely bestowed. They prefer the paper of their own banks, though they know it to be depreciated, to the paper of other banks, because they have confidence in the institutions of their own state, and because they know the amount of depreciation on the paper of such banks, whereas, of the value of a note of a distant bank they are wholly ignorant. But this knowledge, which the great mass of the community does not possess, brokers and money dealers do, and they use it to their own advantage. A farmer of Virginia will hesitate to receive in payment a New York note. He will prefer Virginia paper, although he knows it is not equivalent to specie, because he can form some opinion of its value, while of the New York note he knows nothing. But the holder of a New York note, at the same time, is disposed of it at the first broker's office at a large premium.

Every man in the habit of observing what passes around him must see every day the existence of this state of things; and its inevitable consequence is, to throw the loss of depreciation on the laborious and good-faithful farmer, and the laborer who circulates it, is the industrious and the hard-working who suffer first, and suffer longest, and suffer most. But it is not intended to pursue this part of the subject further than to illustrate and confirm the truth, that no state bank, founded on whatever capital, administered by whatever degree of fidelity and skill, can obtain the confidence of the community, and that established and well-known credit, which shall give its bills circulation through all classes, in any amounts, and in all parts of the country.

Now another most important truth, equally well settled by experience, is, that paper issued for circulation, under the authority or with the sanction of the government, stamps the character, does acquire and retain this advantage of known and unquestioned character and universal confidence. No matter whether the note or bill present itself in Maryland or Missouri, Maine or Georgia, if it promise payment in specie, on demand, and that promise be supposed to be given, and accompanied by the credit of the government, it springs immediately to a value equivalent to specie. The impress of the national government, connected with the fact of its immediate convertibility, stamps the paper with a mark of perfect and universal reliance, because all the people, in all the states, are alike interested in the general government, alike acquainted with its proceedings, and have like faith in paper to which it gives its sanction. We seem to be called upon, therefore, to act on this subject with three important truths made clear before us: first, that a paper circulation will continue among us; second, that no paper circulation of universal credit can ever be furnished by state banks; third, that such a paper can be furnished under the authority of the government of the United States.

It is under the influence of these realities that it is now proposed to issue, to some extent, a paper currency, according to the provisions of this bill. Its uses are expected to be two fold. In the first place, as already stated, it will furnish a safe paper medium, in which payments may be made for the payment of taxes, and the immediate assessment of government, are sufficiently impressed with what would be the value of this in certain emergencies.

Debts to government are now to be paid in specie, or the notes of specie-paying banks. Let us suppose that some exigency should come suddenly upon the country, and that the immediate assessment of government taxes, and that the same exigency should compel all the state banks to suspend specie payments. In such a posture of affairs how could taxes be paid? Of specie there would be little to be had; of the bills of specie paying banks none. Government would be driven by absolute necessity, out of use of paper notes, and its credit, and created for the occasion. It would have no other resource. All must see how vastly useful the system now proposed would be, upon the happening of such an emergency. The exchequer would be found in operation, and in possession of a certain quantity of specie, and the public, in addition to its specie and its own established character,

the amount of revenue, whatever that amount might be, to sustain its circulation. It would furnish notes for disbursement, and receive them for taxes. With these means, and by faithful and skillful management, though it might be embarrassed by the prostration of other institutions around it, it would still retain the power of credit, and that would be a striking and effectuating argument against general bight and barrenness.

But this part of the bill has another purpose equal, or still more important. The measure is intended for the people as well as the government. The issue of treasury notes always redeemable in gold or silver, and the use of them in payments for public credit, and in the discharge of public debts, cannot but be beneficial, it is conceived, in a high degree, to the whole commerce and all the business concerns of the country.

In this part of its operation the system presents itself as beneficent and productive of essential good. It seeks not government emolument, government convenience only, but the public good, the good of the people, in the largest and most comprehensive sense. Its effect is to give to the people, to their labor and their internal trade, the activity of funds which would otherwise be locked up, and to give them, in the place of the essential evils which these funds to sustain credit, to supply a sound currency, and to favor useful intercourse between the states. And it does this without assuming undelimited powers, without alarming the jealousy or wounding the pride of the states.

Yet it cannot with any justice or propriety be called government money. The essential evils which the bank are still wanting to it. Government seeks not to fill its own coffers by discounts, or to make gains by the use of its own credit, or to make the issues of the exchequer a substitute for revenues in order to meet its own necessities. Nor does it propose to influence the people the evils and the source of an irredeemable government paper, because no paper is to be issued which is not payable in gold or silver on demand—all paper thus resting on the double basis of immediate convertibility and the public faith. It is not easy to conceive how any paper intended for circulation could be more safe or more useful for the purposes of commerce, and it is believed that it is just such a paper as the wants of the country now loudly demand.

The extent to which this paper may be issued and circulated, it must be confessed, in some degree uncertain. This must depend on the amount of revenue collected, and on the degree of success which may attend the operations provided for by another part of the bill. But, whether the circulation of the notes of the exchequer be larger or smaller, it must, so far as that circulation shall extend, be favorable to all interests. It cannot but conduce to the public welfare that there should be, in every part of the country, some one institution, or some one agency, which shall be of undoubted credit, and whose issues, be they great or small, shall be equivalent to coin.

If the circulation of the notes of the exchequer from hand to hand, in the common business of life, should be found to be small, that fact will arise from one or the other of two causes, or from the combined effect of both. If the amount issued should be small, then of course it can only fill the channels of circulation to a limited extent. And while the paper of the state banks shall continue depreciated and yet remain in circulation, treasury notes, it is highly probable, will often be the results hoped to be produced by the use of the purpose of remittance. This limited circulation in such a case would arise from their superior value in comparison with the value of other paper. It would not be owing to want of confidence in them, but to their possessing the highest degree of good name.

But if such use of treasury notes should take place, and should diminish the amount circulated in daily transactions from hand to hand, yet that use itself would confer a general benefit of great importance, inasmuch as all such remittances perform the office of furnishing safe and cheap exchange, and co-operate directly with the results hoped to be produced by another provision of the bill. But if the exchequer and its agencies be allowed to deal in exchange, this use of its notes, although it might exist to some extent, would be far less considerable.

Among possible objections to the issue of redeemable treasury notes, one may be, that they will be retained to the extent of the demand for exportation. States and companies it is known, in every part of Europe, and these states and companies it may be fancied will obtain treasury notes, harass the treasury by demands for specie, and send the specie thus obtained abroad in discharge of their own obligations. A few words may dispel such imaginations.

The first and the strongest argument, if there be any thing, proves too much; for it proves that for the

same reason all specie-paying banks ought to cease specie payments. But the truth probably is, that these states and companies find less difficulty in lighting on some convenient mode of remittance than on commanding at the present moment the means of making remittances in any form. The general depression, with the cooperation doubtless of other causes, has suspended the power of obtaining such means. We must continue to hope that, under a better state of things and in better times, this power will revive, and when it shall, we must look to our own profits, and to the general earnings of credit, and to the means of meeting the demand for specie abroad. In the mean time, since neither states nor companies can obtain loans of treasury notes, nor otherwise possess themselves of them than by buying and paying for them, we need not distress ourselves with apprehensions of runs on the exchequer from that quarter.

It remains to say something upon that part of the bill which authorises the exchequer and its agencies to buy and sell domestic exchange, under certain limitations and restrictions.

That an institution founded on a more extensive plan, with a larger moneyed capital, which should deal in exchanges on a broad scale, buying bills at long dates, or accepting bills on security, in order to afford capital and credit, as well as exchange, strictly speaking, might, but for the dangers attending it, produce more benefit than that now proposed, may be safely admitted. But such a scheme involves the idea of making loans and advances, of venturing largely on the success of personal security, and of exposing in no small degree to the hazards of commerce. No such purpose is intended by presenting the present bill to the consideration of congress. On the contrary, the utmost concern has been felt to guard the proposed measure against all tendencies to such a system of exchange operations.

In all its purposes, it looks to currency and to exchange, not to lending, or to security. And it may well be matter of serious consideration, whether such large powers of discount can be safely lodged in private institutions, with the power of making such discounts by the use of their own notes.

The supervision and regulation of currency belong to government; the business of commerce and the borrowing and lending of money to individuals. And perhaps no conviction is more rapidly and generally received, than that government should not commit the high and important function of superintending and regulating the currency of a country to the hands of those whose occupation consists in making loans and discounts, whether on promissory notes or bills on time. Whenever a bank makes a loan, or a discount, it is in the nature of bills, it adds so much to the circulating medium of the country; and, in the absence of all other regulation or restraint, several hundred banks, whose palpable interest it is to increase the amount of circulation, are to decide, each in the exercise of its own discretion, to what extent that augmentation shall be made. To such a system there must be some check, or that, in the absence of all such check, the emission of paper will be continually tending to excess, must be manifest to every reflecting mind. It is not proposed to enter fully into this subject at present; but as it has already in other countries, so it must necessarily be long in this, command the most serious consideration of government.

It is hoped that the measure now proposed to congress will have some effect, at least, in counteracting the tendency to excess in bank issues. While it may not accomplish all that is to be desired, it is believed it will effect something. To the extent of its means employed, its operation will be calculated to restrain issues and to correct excesses; because, in the first place, every section of government, and the general mass, tends either to render the bad worthless, so that in time it shall all give way to a better, or to compel those who issue such bad currency to raise its value by preparing for its redemption. If good currency could be put into circulation in such quantity, to meet the uses of the country, it is of course expedient the bad, or bring about a change of its character; although it is equally true that, while the great mass be bad while it is circulated, not having become entirely worthless, it is difficult for a small amount of good currency to share in the general circulation, since it is liable to be sold off for the market purposes which this mass will not answer. And, in the second place, the exchequer will act beneficially in this respect, by holding all state banks with which it may have dealings to a punctual performance of their obligations, and bringing them to an immediate settlement for such of their bills as they find their way into it, or into any of its agencies.

It is not intended to say that the proposed measure will of itself be able to arrest the progress of the great evil of excessive bank issues, or that government may not be obliged, hereafter, to adopt other measures. It is apprehended that these evils may yet imperatively call for other remedies. But it is believed that it will have a considerable effect, should its operations be as successful as is anticipated, in checking and limiting what it may not be able entirely to suppress.

But there is another very important consideration connected with the part of the subject now under the object of the whole measure is to furnish a sound currency, in the form of treasury notes, redeemable on demand in specie. These notes can get into circulation, and be kept in it, in two ways; first, by payment in such notes of debts and demands on the treasury; and, second, by buying domestic exchanges. And it is the latter of these modes which is most confidently looked to as furnishing an active and continual circulation of this paper. When issued in government payments, at distant points, the general tendency of the notes will be from those points to the great Atlantic cities, according to the course of trade, thus leaving the place of their first issue without the benefits of their circulation. But it is evident that if the agencies at those distant points shall be authorised to purchase bills of exchange, a new source for the issue of sound circulating paper will be opened, and the exchange thus bought would be settled, wherever the demands of trade should be made.

In a country of such varied productions as the United States, some parts being highly commercial, others manufacturing, and others yielding vast amounts in raw material, the current and course of exchange has periodical changes. It flows one way or the other, or in the same way more or less force, according to the seasons. Nor is this course always direct, but on some extraordinary often circuitous winding itself through several distant markets. Commodities in many parts of the west seek a sale in the south, not expecting payment in southern products, but in means available in the north and the east. The happy diversity of products, and these useful ramifications of trade, tend to make the demand for only a currency satisfactory to all, but the means, also of easy, cheap and safe dealing in exchange. And these two objects assist each other. A good currency enables him who needs exchange to buy it, and he who has exchange to sell, to sell it. Good currency and safe dealing together, all under proper limits and securities, form the most perfect system of paper circulation. The power to deal in exchange seems essential to any considerable circulation of treasury notes in the south and west. And it may be added, that nothing would tend more to counteract the contraction of the currency, and, on a few points, than the ability of buying domestic exchange with good paper, redeemable at the place of purchase. Commercial transactions, and the consummation of pecuniary engagements, naturally concentrate themselves in places where the currency is good. There is no remedy against this concentration so serious as the supplying of a good currency everywhere.

A safe system of exchange, though no more extensive than is contemplated by this bill, will be of great service to the commerce of the country in other respects, besides furnishing the means of keeping a good currency in circulation. The more direct advantages flowing from it are not innumerable. Although its object be to supply a capital of credit for the purposes of trade, or to make advances, although the whole system is limited to exchanges, strictly, yet it cannot fail to afford very important facilities, and to be productive of much general benefit.

The power or faculty of reaching funds already accumulated in a distant part of the country, and of bringing them to the place of their use, is a power or faculty of no mean importance, in the hands of those whose business leads them to form commercial connexions in such distant parts. This power or faculty the measure under consideration proposes to confer impartially on all, to the extent of its means. And its capacity for good in this respect, so confidently left to the judgment of those whose practical experience has rendered them most competent to decide.

As to any dangerous consequences from untoward influences in buying or selling exchanges, it is to be again observed that the exchequer can lend money to nobody, it can furnish no capital, it can carry on no other business; it only seeks to enable any one to place his funds where he needs them, and this, as it will be seen, is to be done under

such restrictions as that all idea of accommodation, and therefore all idea of partiality or favor to individuals, is effectually repelled. All real borrowing and lending is excluded, and bills are to be taken on such time only as is necessary for ordinary notice, and the usual transmission of intelligence.

Such operations, begun and completed in so short a time, and which are to be carried on in the face of the commercial community—operations which allow so little of favor or accommodation to any—it is not likely that unjust or partial local influences, far less likely that any pernicious central influences, will exercise control.

It may be objected to all dealing in exchanges, that parties on bills will become debtors to government; that in case of any general pressure they will petition for relief, and thus embarrass government, as well by neglect of punctuality of payment as by impotency for indulgence. It is readily answered that the delicate relation of debtor and creditor should be avoided, as far as may be between government and the people. But in many cases it must exist. The imposition of every tax creates that relation; every custom house bond creates it, and it is found in many other forms. But a better answer to this objection is, that the credit so far as any arises under the operations of this bill, will be a commercial credit, of all others the most unlikely to be violated; of a few days continuance only, existing between the government and each individual, by himself, out of which no common cause, no common interest in delay, no common impotency for relief, can well arise.

As the great object of the whole measure is to put an end to controversies, and give repose, it is left to the states to prohibit the practice of private deposits and dealing in exchange within their respective limits, if any of them shall so see fit. Of such prohibition no apprehension is entertained. The whole example has been felt in recommending the provision, as it may avoid difficulties, by manifesting a disposition neither to tread on any questionable ground, nor to give rise to unnecessary differences of opinion.

The people will present itself to all the states and all the people. It proposes general benefit to all; and no fear is entertained lest either the states or the people should examine it with too close a scrutiny.

The section which authorises the secretary of the treasury to issue, if found necessary, five millions of stocks, is designed as a provision against contingencies incident to the fluctuations of the market. In an agent of government, such as is now proposed to be created, it is proper that there should exist every security for the maintenance of its credits. Misfortunes may fall on private institutions, in the revolutions of commerce and business, and they may be compelled to stop payment; but whatever is identified with the safe possible foundations. As the means of the country are most ample, its credit high, and the burdens of the people light there is wisdom in giving to the exchequer the power of immediate resort, in case of necessity, to the unimpaired and unquestionable faith of the nation. There should be no hesitation, no scruple, no lingering doubt, about the ability of the institution now proposed to be established, to fulfil with punctuality all its engagements, under any occurrences, not of force, to disturb the government itself.

Which are the general views of the important measure which now invites the consideration of the legislature.

The extremes of public sentiment on the subjects embraced in this bill, are embodied in the system of the sub-treasury on the one hand, and in a bank of the United States on the other. The great problem now propounded to practical statesmanship is, whether repose and reconciliation of opinion can be attained, whether an end can be put to distressing doubts and exasperated controversies, touching the policy of the government, by the adoption of an intermediate system; a system exercising no ungranted power, establishing no monopoly, bestowing no indiscriminate rights, attempting no divorce of the government from the people; but, on the other hand, converting the most austere, though the most indispensable and plainly constitutional duty of the government, the collection of the taxes, into the very means of sustaining the gains, of increasing the comforts, and increasing the interests of those by whom taxes are paid.

This intermediate position, the plan struck out in the president's message proposes to occupy. On the one hand, it performs one grand function which the sub-treasury could not and did not seek to perform. It asserts and preserves the constitutional duty of overseeing and sustaining the commerce between the

states by all proper and constitutional means, and turns away from nothing within the limits of the constitution which may support general credit.

It admits the impolicy and impracticability, without violence to the business of life, of coercing an entire substitution of the precious metals for that convertible currency which has come to occupy their place.

But, on the other hand, it is not a corporation; it alarms nobody by the assertion of power to enter the states, to engross local business, or grasp at local gains, or measure from liability to local business.

If a treasury may be accomplished as the good sense, the fraternal sentiments, and the business necessities of the American people must lead them ardently to desire, by which existing elements of discord shall be withdrawn from national politics, and the country be suffered to enjoy tranquillity in things nearly affecting men's daily labor and daily bread, it is confidently believed that it may be natured, by the wisdom of the legislature, out of the general provisions of the bill now submitted to its consideration.

W. FORWARD, secretary of the treasury.

A BILL

AMENDATORY OF THE SEVERAL ACTS ESTABLISHING THE TREASURY DEPARTMENT.

Sec. 1. *Be it enacted by the senate and house of representatives of the United States of America in congress assembled,* That there shall be, and hereby is, created and established in the treasury department, at the seat of the government of the United States, a board, to be called the exchequer of the United States, to be composed of the secretary of treasury for the time being, the treasurer of the United States for the time being, and three commissioners, to be appointed by the senate, one of the said commissioners first appointed, to be appointed for two years, one for four years, and one for six years, and vacancies subsequently occurring, to be so filled as that one vacancy shall regularly occur at the end of every period of two years; the said commissioners may be removed for incompetency, or neglect or violation of duty; and in case of any such removal, it shall be the duty of the president to lay the reason thereof before the senate. And on the first organization of the board, one of the three commissioners shall, by the members thereof, be elected president, who shall serve for two years, and after the expiration of a term of election shall be made, and in like manner a new election shall take place afterwards at the end of each successive period of two years. And the secretary of the treasury shall have authority to appoint all such inferior officers as in the judgment of the board the transactions of its business may require, the amount of their respective compensations to be fixed by the board, who may take bonds for the faithful discharge of their duty for such sums and in such manner as the secretary of the treasury shall direct. And each of said commissioners shall receive an annual salary of ——— dollars.

Sec. 2. *And be it further enacted,* That the said board of exchequer shall have power to establish agencies or offices in such of the cities or towns of the states and territories of the United States as it may judge expedient, not exceeding two in any state or territory, and also wherever congress may by law require the same to be established; and such officers and agents as may be required, shall be thought necessary for the management of such agencies, and the transaction of their business, shall be appointed by the secretary of the treasury on the recommendation of the board of exchequer; and the said board shall have power to fix the amount of the respective compensations for such officers, and to provide regulations for the government of such agencies, the transaction of their business, and the rendering accounts of all their proceedings. And in such regulations they shall so assign and arrange the duties of the officers of the said agencies as that one of those officers shall be a check and control upon the other, and in such purposes they shall require that the accounts and proceedings of each shall be entered in proper books. And any of the officers of the said agencies may be removed by the secretary of the treasury for physical inability, or incompetency, or neglect or violation of duty, but it shall be his duty to state every removal of any principal officer of any agency, with his reasons therefor, in his general annual report of the transactions of the board of exchequer.

Sec. 3. *And be it further enacted,* That the said exchequer and its officers shall be the general agents of the government of the United States for receiving, and for the purpose they shall require, all moneys transferring and transmitting the same under the direction of the secretary of the treasury; and all

public moneys received, from whatever sources, shall, under the same directions, be paid into the said exchequer or its agencies, and the principal officers employed in such agencies shall give bonds to the United States for such amount and in such form as the secretary of the treasury shall prescribe for the faithful performance of their duties. And the said board of exchequer and its several agencies shall pay all warrants, drafts, or orders made thereon by the treasurer of the United States, and by all disbursing officers and agents of the government having authority to make such drafts or orders. And every such payment shall be made, at the option of the person entitled to receive it, in gold and silver coin or in treasury notes.

Sec. 4. *And be it further enacted,* That the said exchequer and its officers shall perform the duties of commissioners of loans, in receiving subscriptions, transferring stock, and paying dividends and interest thereon, under the directions of the secretary of the treasury, and shall render to the treasurer of the United States all necessary facilities for transferring and disbursing the public funds as shall be required by him, and shall perform all the duties of pension agents under the regulations prescribed by the secretary of war, and shall render and perform all other duties and services in relation to the collecting, keeping, and disbursing of the public funds as shall be prescribed by law or by the secretary of the treasury.

Sec. 5. *And be it further enacted,* That it shall be lawful for the said exchequer to receive, in gold, silver, and its several agencies, to receive on private deposits gold or silver coin or bullion, the property of individuals, to be held as in other cases of deposits made by individuals for convenience and security; and to issue certificates of the fact of such deposits having been made, which certificates shall always be redeemable on presentation to the board of exchequer, and the amount so deposited shall never exceed in the whole fifteen millions of dollars, to be distributed by the board among its several agencies according to the extent of their business respectively; and for issuing such certificates no higher premium shall be demanded than shall be sufficient to indemnify against the hazard of loss, and remuneration for the safe keeping the deposit, and in no instance to exceed the one-half of one per cent. But paper issued by the board and its several agencies, whether in the form of bills or of certificates of deposit, shall be redeemable only at the place where issued, unless the board shall so direct by its regulations.

Sec. 6. *And be it further enacted,* That it shall be the duty of the said board of exchequer, within three months after its first organization, to establish such by laws and rules of proceeding as it may judge expedient and proper for the regulation of its concerns and the government of its agencies; and copies of all such by laws and rules shall be laid before Congress every year at its annual session.

Sec. 7. *And be it further enacted,* That the secretary of the treasury is hereby authorized and directed to cause to be prepared treasury notes of denominations not less than five dollars nor exceeding one thousand dollars which notes shall be signed by the treasurer of the United States and countersigned by the president of the board of exchequer, and made payable to the order of the principal agent at each agency, and shall be by him endorsed when issued at such agency, and which notes shall be redeemable and shall be redeemed in gold and silver, on demand, at the agency where issued; and the treasury notes issued to be by him issued by the board of exchequer at the seat of government shall be, in like form, and shall be payable to the order of commissioners, and shall be endorsed by some one of them when issued, and shall be redeemable and redeemed, at said board, on demand, in gold and silver; and exact and perfect lists of all notes so signed shall be kept at the treasury, and all treasury notes issued under the authority of this act may, when redeemed, be re-issued by the board and its agencies respectively.

Sec. 8. *And be it further enacted,* That the amount of treasury notes issued and outstanding shall not, at any one time, exceed the amount of fifteen millions of dollars, and the secretary of the treasury is authorized by law, and the secretary of the treasury is authorized from time to time, on the application of the board of exchequer, to furnish for its own use and that of its several agencies a suitable amount of such notes, to be used in the transaction of its business; and all dues to the United States, or any office thereof, in treasury notes issued under this act, or in the notes of banks which shall be immediately convertible into specie at the place where received.

Sec. 9. *And be it further enacted,* That the board of exchequer at the seat of government, and all of its agencies, shall be authorized to open offices with all banks in their neighborhood whose paper they may have received, and pay or collect, as the case may

be, all balances between the said banks; and no individual shall be allowed at any time to stand as debtor to the exchequer or any of its agencies in account, and it shall be the duty of the said board of exchequer, and each of its several agencies, at all times so to limit the issues that its gold and silver on hand shall be equal to one-third the amount of such issues outstanding.

Sec. 10. *And be it further enacted*, That the said board of exchequer may draw bills or drafts on any of its agencies, and may authorise any agency to draw bills or drafts on the board or any other agency, and may sell and purchase bills or drafts on such bills or drafts for a premium not exceeding the fair cost of remitting specie to the place of payment, and in no case to exceed two per centum on the amount of such bill or draft.

Sec. 11. *And be it further enacted*, That it shall be lawful for said board of exchequer and each of its agencies to purchase domestic bills of exchange, subject to the following rules and regulations:

1. No bill of exchange shall be bought which is payable in the same state or territory in which it is drawn, nor any bill payable within less than ten miles of the place of drawing.

2. Bills drawn on places more than five hundred miles distant from the place of drawing shall not be drawn for a longer time than thirty days from date; and bills drawn on places more than five hundred miles from the place of drawing shall not be drawn for a longer time than thirty days from sight.

3. In no instance shall more be demanded from the seller of such bill, by way of interest or exchange, than an interest not exceeding six per cent. per annum for the time which the said bill has to run, and a rate of exchange never exceeding the cost of remitting specie, and in no case to exceed two per cent. And it shall not be lawful for said board of exchequer or any agency, to purchase any bill drawn by or upon any member or officer thereof, or in which such member or officer shall in any way be interested; nor to receive any deposit of any money belonging to any such member or officer. And no bill shall be purchased or draft sold at any agency, without the assent of at least two of the officers of such agency, nor by the board of exchequer without the assent of two of its members.

Sec. 12. *And be it further enacted*, That no agency established in any state under the provisions of this act, shall be subject to any law which such state may enact, receive any other aid than that of the United States, or make or sell drafts, or purchase bills, other than such as shall be necessary in the collection, transfer and disbursement of the public funds.

Sec. 13. *And be it further enacted*, That if at any time it shall be found necessary to carry on the operations of the exchequer board, and its agencies hereby created, the secretary of the treasury may cause to be prepared, issued, and delivered to the exchequer board certificates of stock of the United States, in the usual form, bearing interest at a rate not exceeding five per centum per annum, to an amount not exceeding five millions of dollars, the interest of which shall be payable semi-annually, and the principal shall be redeemable at the pleasure of the government after the expiration of twenty years from the issue thereof. And it shall be lawful for the said exchequer board to sell and transfer the said stock for gold or silver coin, or for any other valuable consideration to the exchequer board to provide for the punctual payment of the interest on the said stock as it shall become due, and for the reimbursement of the principal from the profits and other means and resources of the board and its agencies. But the faith of the government, nevertheless, shall be pledged for the payment of the interest and the principal of such stock.

Sec. 14. *And be it further enacted*, That the board of exchequer and its several agencies shall keep separate and distinct sets of books, for the purpose of entering and recording, in one set, all transactions respecting the collection and disbursement of the public revenue, and transmitting the public money from place to place for the service of the government, and in another, all transactions and accounts arising from dealings in exchange and other transactions not on government account.

And all profits accruing from dealing in exchange on individual accounts, and from private deposits shall be applied in the first place to the payment of the compensations, and to defray all expenses incurred under the authority of this act, and the residue thereof shall be placed semi-annually to the credit of the treasurer of the United States: *Provided, nevertheless*, That the said board may defer all such credits to the treasurer, until the amount of profits derived beyond expenses shall exceed two millions of dollars, and may retain said amount of two millions as a fund to meet all contingencies chargeable on the exchequer and its agencies.

Sec. 15. *And be it further enacted*, That if it shall at any time become necessary to bring suit on any bill of exchange or other debt or liability arising out of any transactions under the provisions of this act, such suit may be brought in the name of the United States in any circuit court of the United States, or any state court having competent jurisdiction.

Sec. 16. *And be it further enacted*, That the necessary offices and vaults for the safe-keeping of the public moneys and for the transaction of the business of the board of exchequer and its agencies shall be provided by the treasury department at the city of Washington, and in the custom houses, mint, branch mints, and other public buildings belonging to the United States, so far as for the same can be furnished without detriment to the public service; and where the same cannot be so furnished, the said board may provide others.

Sec. 17. *And be it further enacted*, That it shall be lawful for the said board of exchequer to appoint as agent for the board any specie paying bank in any state in cases where it may not be deemed expedient to establish an office or agency of the said board, as hereinbefore provided; but such bank shall not be authorised in any event to receive deposits or to purchase or sell bills or drafts on account of the board of exchequer.

Sec. 18. *And be it further enacted*, That full and exact accounts of the proceedings of the board and its several agencies shall be furnished by the board to the treasury as often as he may prescribe; and it shall be the duty of the said secretary to lay abstracts of the same before congress at the commencement of each annual session, and to furnish full and particular accounts and statements of the transactions of the board to any court of the United States of competent jurisdiction, and the amount of treasury notes outstanding at the end of every quarter shall, so soon thereafter as the same may be ascertained, be published by the secretary of the treasury.

Sec. 19. *And be it further enacted*, That if any member of the exchequer board, or any officer or clerk employed in its business or any of its agencies, shall at any time, with any view to his own private security deposited with or belonging to the said board or any of its agencies, or belonging to the United States, or any other person or persons dealing or depositing with the said board or any agency, he shall be deemed guilty of felony, and, on conviction thereon by any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term not less than ——— nor more than ——— years, and to a fine equal to twice the sum or value of the property embezzled.

Sec. 20. *And be it further enacted*, That if any officer or member of the board of exchequer, or any of its agencies established under the provisions of this act, shall give or sign a false certificate or deposit having been made with any agency, or shall issue or deliver any draft or bill of exchange without having received the full amount thereof, and cause the receipt of the same to be duly entered in the books of the said agency, or shall be guilty of any other mal-practice by which any responsibility of the said agency, or of the board of exchequer, or of the United States, shall be improperly created or increased, he shall be deemed guilty of a misdemeanor, and, on conviction thereof in any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term not less than one year nor more than seven years, and to a fine equal to the amount of the false certificate so given, or of the bill or draft so issued or delivered, or to the amount of the responsibility so created or increased.

REPORT OF THE POSTMASTER GENERAL.

POST OFFICE DEPARTMENT, DEC. 2, 1841.
TO THE PRESIDENT OF THE UNITED STATES:

In the discharge of the duty of reporting to you the condition of the general post office, I have to regret that my recent induction into office will prevent me from giving you that full development at this time so necessary to a clear understanding of the various and extended operations of a department so important and interesting to every class of our fellow-citizens.

Unlike the other departments of government, which derive their support from the national treasury, the general post office looks for the means to continue and extend its operations to the income derived alone from a successful administration of the laws prescribing its duties and privileges. The general post office, at first almost the creature of administrative discretion, necessarily so remains, to a great degree, at the present time. In its infancy, it required the constant and vigilant superintendence of its head to direct its affairs in such manner as to extend the sphere of its usefulness, commensurate with the increase of the extent of population and business. Equal, if not greater, vigilance is demanded at the present day.

It is to be desired that, in the general administration of the government, as little of discretion as possible should be left with those charged with public trusts, and the more exact extent of the management of the department, at this time, is so limited as not to qualify me to suggest more specifically those improvements in the laws pertaining to it, whereby much of that discretion, heretofore exercised, might be restrained and profitably regulated by legislative enactment. The propriety of these remarks will be fully demonstrated by a recurrence to the history of the post office operations, from their commencement to the present time.

In 1790, the whole number of post offices in the United States did not exceed seventy-five; the number of miles of post road was 3,579; the revenue, \$37,926; the expenditure, \$32,140. In 1840, it will be seen that the whole number of post offices in the United States was 13,458; the number of miles of post road, 154,739; the gross revenue for the same year was \$4,539,365, and the expenditure was \$4,739,176. The necessity of guarding, as far as practicable, by specific legislation, such an amount of income and expenditure, and the duties and liabilities of so many agents, must be apparent.

As has already been remarked, the original design in the establishment of the post office department was that its income should be made to sustain its operations. That principle could never to be abandoned. Whilst the department should not be regarded as a source of revenue to the nation, it should never become an annual charge to its treasury. Upon assuming the discharge of the duties pertaining to the office of postmaster general, my first object was to investigate its financial condition; and it becomes my duty to inform you that I did not find it in that prosperous state which the demands upon it require.

The income of this department is always liable to be affected by the fluctuations of the business of the country, to increase or depressed in proportion to the increase or depression of that business. Besides this cause of fluctuation in its income, other causes of a reduction, more or less in every year, may be found in the increased facilities which the travel upon rail roads and the improvements for the transmission of letters and newspapers by private conveyance; secondly, in the great extension, to say nothing of the abuse, of the franking privilege; thirdly, in the recent establishment of what are called private expresses, upon the great mail routes of the United States; fourthly, in the frauds practised upon the department, in evading, by various devices, the payment of the postage imposed by law. While all these causes operate to lessen the revenue of the department, the expenses of transporting the mail are not affected or lessened by them; and I respectfully suggest whether the evils to which I have referred do not deserve the serious attention of congress, so far as to call for some more specific legislation, whereby they may be removed or suppressed.

The total gross revenue of the post office for the fiscal year commencing on the 1st of July, 1840, and terminating on the 30th June, 1841, was \$4,539,317 78; the total expenditure for the same time was \$4,739,176 39. In this year the expenditures exceeded the revenue by the sum of \$187,930 61. A statement of the expenditures, more in detail, will in due time, as required by law, be reported to congress. The precise income and expenditure of the general post office cannot be known until the close of the fiscal year, and the settlement of all accounts have been completed. Consequently, any statement of expenditure and income, for the present year, is liable to the fluctuations and changes always incident to the peculiar character of the service.

The expenditures and income of the department for the current year may, upon estimate, be stated in round numbers as follows:
Total amount of revenue derived from postages, fines, and all other sources \$4,380,000

Expense of mail transportation	3,145,000
Commission to postmasters, if the rates of per centage remain unchanged	1,015,000
Ship, steamboat, and way letters	20,000
Incidental expenses, including blanks, stationery, printing, &c.	310,000
Total estimated expenditure	4,490,000
Total estimated income	4,380,000
	\$110,000

Thus it will be seen that the probable amount of expenditure will exceed the amount of revenue, as estimated, by \$110,000.

With this deficit presenting itself so palpably to my mind, I have essayed to infuse into the administration of the service a rigid economy; yet, with all the savings which may be possible to make by the most rigid economy, I am satisfied the expenditure cannot be reduced within the income, without either reducing the transportation of the mail below the just wants of the community, or by other mode increasing the expense of the department.

To continue the present amount of service, and extend it with the growth and spread of our population, particularly in the west, the present revenue, with its former charges, is evidently inadequate; and a reduction of that service greatly below its present standard would have to take place, unless congress make an appropriation from the public treasury, which I neither ask nor desire to see made.

Upon a view of all the circumstances, and with a perfect sense of the delicate responsibility assumed: I have felt myself imperiously called upon to exercise the power conferred upon me by the act of 1839, as master general, and have readjusted the commissions heretofore allowed to deputy postmasters. By this regulation, a copy of which is annexed, there will be added to the net annual income of the department about \$100,000. I thought it better to do this than either to ask congress for an appropriation or to reduce the transportation of the mail below the just wants of the community.

When it is known that this reduction has been made to enable the department to send intelligence among the people, by continuing and extending mail facilities, and not in a spirit of parsimonious economy, the liberal and enlightened of all sections will, I am persuaded, approve what has been done; and I will not allow myself to believe that those whom it most immediately affects will view it in an illiberal spirit.

Should congress, however, not approve of this measure, they will have it in their power, before the next takes effect, to arrest its force, and will no doubt adopt the necessary measures to require the reduction of mail service, or to provide the means of paying the balance which will be due to contractors at the end of the year.

The report of the auditor of the post office department (marked B) will exhibit the progress which has been made in the adjustment and liquidation of the accounts of postmasters since the 4th of March last.

It is to be expected that among 14,000 deputy postmasters (appointed generally without a personal knowledge of the individuals or their securities) there will be found some who will prove faithless to their trusts, and whose securities are not good for the amount due the department. In view of this, I have instituted a rigid inquiry, not only into the fitness and business qualifications of the postmasters, but the solvency of their securities, from which the balances may be anticipated. This operation, performed in part by special agents of the department, under the letter of instructions annexed, (marked C), and the prompt settlement of the accounts of all postmasters, will more effectually guard the department from losses by defaulting postmasters.

The reduction of the postage upon letters is a subject which has engaged the public attention for years, and is one of great interest to the whole community.

It is contended by many, whose opinions are entitled to respectful consideration, that the reduction of postage would give an increase of revenue. Without undertaking to discuss this question at present, I am not prepared, from the present financial condition of the department, to recommend a reduction of the rates of postage now fixed by law, but invite a modification of them so far as to bring them into conformity more generally to the smaller coin of the U. States, and solicit revision of the laws regulating the postage on newspapers. I do not desire that the rates of postage on newspapers proper should be increased, though much might be saved to the department if the principle of the postage law were applied to newspapers, provided such regulation was not deemed to be public opinion. I must, however, earnestly invite your attention, and hope you will call that of congress, to the necessity of the enactment of a new law by which a just discrimination should be made in the rates of postage on newspapers proper and those mammoth periodicals which assume the shape and name of newspapers, but which are, in fact, the republication of books, reviews, and novels, sent through the post office, not always to subscribers, but in large masses to agents, to vend in the most distant cities, towns, and villages, which greatly increase the size and weight

of the mails and the expense of transportation, without a corresponding remuneration to the department. The great number of these large publications which have been sent by the mail from Baltimore to Wheeling has mainly contributed to the frequent irregularities of the western mails for the last twelve months. I respectfully inquire whether it is just that the U. States mail shall be compelled to transport one of these papers, weighing nearly a pound for a cent and a half, from Boston or New York to Louisville, Ky., which has mainly contributed to the frequent irregularities of the western mails for the last twelve months. I respectfully inquire whether it is just that the U. States mail shall be compelled to transport one of these papers, weighing nearly a pound for a cent and a half, from Boston or New York to Louisville, Ky., which has mainly contributed to the frequent irregularities of the western mails for the last twelve months. I respectfully inquire whether it is just that the U. States mail shall be compelled to transport one of these papers, weighing nearly a pound for a cent and a half, from Boston or New York to Louisville, Ky., which has mainly contributed to the frequent irregularities of the western mails for the last twelve months.

I have already alluded to the establishment of what are called private express, for the carrying of letters, packages, and newspapers, upon the postroads of the United States, for hire and compensation, at one case tending greatly to the reduction of the revenue of the department. I must beg leave again to bring the subject more particularly to your notice, under the necessity of some further legislation, more effectual to protect the interest of the public, than the general government in its post office department.

If there is any grant of exclusive power to congress upon which all unite in opinion, it is the power to establish post offices and post roads; and it may fairly be assumed as an admitted principle, that the exercise of that power, has established a postroad, the right of a state, or the individuals of a state, to establish lines of transportation, for letters, packages, and newspapers, upon and over the same roads, for compensation, cannot be successfully maintained.

How far this assumed power has been exercised by individuals, and to what extent, I am not fully informed; but the information communicated to me, the department induced me to avail myself of the services of the first assistant postmaster general, while on a temporary visit of business to Philadelphia, to collect and report to me such information upon the subject, as would engage my notice would permit; and I have the honor now to submit to you the report.

Another report from the first assistant postmaster general, herewith submitted, will present you with a detailed statement of the amount of mail service for the year ending the 30th. June, 1841, and the rate of the postage in each state and territory, distinguishing between the charges for express and mail. By this report it will appear that the U. States mail is transported on rail roads and steamboats 3,946,450 miles, at the cost of \$585,843; on horse and in sulkeys 12,088,862 miles at a cost of \$781,807; in stages and coaches 18,961,213 miles, at the cost of \$179,638, making a total aggregate of annual transportation of 34,996,525 miles, at the rate of cost of \$3,159,375.

The act of 1838 declares that "each rail road within the limits of the United States which now is or hereafter may be completed shall be a post road;" and the act of 1839, provisions limiting the amount beyond which the postmaster general is prohibited from paying for the transportation of the mail on railways will be found.

Great embarrassments to the department have arisen in the making of contracts for the transportation of the mail with many of the rail road companies under the act now in force. These embarrassments arise mainly from two causes, the first, that the price which the department is enabled to pay, whether in reference to its means or the maximum fixed by the legislation of congress, has been deemed inadequate by many of the principal companies in the great cities, to whom it is a privilege to sell some of the companies to run the mail, as prescribed by the department; preferring to run such times as will best suit the travel upon the road; regarding, as it is natural for them to do, the carrying of the mail as secondary to the transportation of passengers. The latter view has been particularly felt in the great eastern cities, and in the city of Washington city to New York, the rail road companies from New York is necessarily thrown upon the Philadelphia and Baltimore rail road in the night, between Philadelphia and Baltimore; and the southern mail for New York is compelled to lie over the Philadelphia and Baltimore rail road in the day. This company can be induced to run the mail in the night. This they have declined doing, unless the department would pay them a compensation greater than is authorised by the laws of congress. Under a hope that some arrangement could be made—to the displeasure of congress, if no longer—I address to the president of the rail road companies, who are concerned in the transportation of the mail between the city of Washington and New York a letter, a copy of which, and the report of the first assistant postmaster general upon this subject, are herewith submitted.

An anxious desire to effect some permanent arrangement with the rail road companies for the transportation of the mail, upon a basis which shall be both just and uniform, considering the nature of the service performed by each, induced me to invite a meeting of the presidents of the different companies, in the city of Washington, on the 1st of January next; and I am gratified at the prompt manner in which all who have been heard from have consented to attend, and a hope is cherished that some arrangement, satisfactory to all parties and beneficial to the public, may yet be effected.

The improved mode of intercommunication by rail road and steam, operating under chartered rights granted by the states, and over which it is not pretended that the general government, much less the post office department, can exercise any control, imposes upon congress, in my opinion, new duties and obligations, which can only be cancelled by the adoption of some measure whereby the post office department may, upon adequate consideration, secure by compact the right to transport the mail in the cars of rail road companies, and at the same time give to the post office the power to control the direction and arrival of the mails.

There is now paid to the different rail road companies, annually, over \$400,000 for the service, without power in the department to regulate the travel, arrival and departure of the mail; and constant and frequent difficulties, both in entering into and the execution of contracts, are presented.

It has occurred to me that the present was a most favorable period for the adoption of some measure by congress, whereby to secure to the United States the right to transport the mail upon these roads in all time to come, free of any annual charge upon the post office department; by the advancement of a sum of money to be agreed upon by the government and the companies, or such of them as may be willing to contract. Many of the rail road companies, and some of them constituting most important links in the great chain of intercommunication between Boston and Charleston, owing to the great derangement of the monetary condition of the country, and the depression of all state and company stocks, find themselves laboring under embarrassments and difficulties, which the aid of the general government, applied in the way proposed, would effectually remove, and at the same time secure to the United States the advantage and complete equivalent of transporting the mail upon these roads.

The credit of the United States to an amount not greater than the sum necessary to produce, at five per cent. interest, the amount paid by the post office department to these companies annually, would, I have no doubt, be sufficient to accomplish this desirable end. The prompt and favorable action of congress upon this subject at the present time would effectually secure the government against the danger of being called upon for occasional and large appropriations to meet the balances due by the department.

Do I ask the United States to do more for the post office department than justice would seem to demand, especially when it is remembered that the whole expense of the official correspondence of the government and the public, and private correspondence of those entitled by law to the franking privilege, is sustained and paid by a tax upon the correspondence, and the correspondence of the government is relieved from the heavy annual charge as now rated, (and it has neither the power to lessen it nor to prevent its increase), it may be hoped that the object so much demanded by considerations of public justice (that of reducing the tax upon the publicly and private correspondence of individuals) will be attained, and at the same time, the usefulness of the public mail greatly enlarged and extended to those portions of the union hitherto measurably denied the necessary mail facilities.

If the government was required to pay postage upon official correspondence, and the franking privilege was removed, or reduced to proper limits, the revenue of the department would be increased to an amount sufficient of itself to pay the interest upon the debt to be incurred by the proposed arrangement, and liquidate the principal in less than thirty years.

I respectfully submit to the president the propriety of communicating to congress the views which I entertain and have here expressed upon this subject.

Some embarrassments to the free transit of the United States mail coaches over that part of the Cumberland road which lies within the limits of the state of Virginia, and the proposed extension of the present year, incident to a right assumed by the authorities of that state to impose a tax upon the each transporting the mail.

In the act of congress proposing a cession of all right which the United States claimed over said road,

upon certain conditions, to the states through which it passed, it was expressly provided that no toll upon the stages, coaches, &c. conveying the United States mail should be imposed. With this, among other reservations and exceptions, the states of Maryland, Pennsylvania, Virginia and Ohio, accepted the cession and assumed the control over so much of the road as is within their respective territories. It appears that, by a subsequent act of the Virginia legislature, so much of the act, by which she accepted the road, exempting the stage, coach, &c. conveying the United States mail from the payment of tolls, was repealed, and the right to impose tolls, and was imposed upon the same. Without detaining you with a further narrative upon this subject, I submit the letters and correspondence of the department in relation thereto, and the documents accompanying the same. Though the amount charged and exacted at the single gate in Virginia is inconsiderable, yet if she have the right to impose the toll, the other states have an equal right, and will, most unquestionably, assert it; and thus an additional annual burden of near \$9,000 will be added to the transportation of the United States mail over that road, which is already the most expensive mail-coach service in the United States.

It is proper I should inform you that the prosecution instituted against the agent of Virginia, before I was called to the discharge of the duties of this department, for obstructing the passage of the United States mail on said road, by closing the toll-gate against the free passage of the coach conveying the mail, has, upon my suggestion, been suspended, for the present, under a hope that, upon a full representation of this subject, by the proper authority, to the state of Virginia, all cause of difficulty might be removed, without the necessity of a penal prosecution. I submit, for your information, the report of the chief clerk of the post-office department, in reference to the expenditure of the appropriation, made at the extra session of congress, to pay the debts due to contractors and others, for services rendered prior to the 31st of March, 1841.

There are other matters of detail, connected with the business of this department, which by law are required to be reported to congress; and it is therefore deemed inexpedient to bring them particularly to your notice in this communication.

I have the honor to be, with respectful consideration, your obedient servant,

C. A. WICKLIFFE.

REPORT OF THE SECRETARY OF THE NAVY.

NAVY DEPARTMENT, DECEMBER 4, 1841.
TO THE PRESIDENT, OF THE UNITED STATES.

SIR: I have the honor to submit the following report:

The navy of the United States is composed of—
Eleven ships of the line, of which one is rated for 130 guns, and ten for 74 guns.

Fifteen frigates of the first class of which one is rated for 44 guns, and 14 for 41 guns.

Two frigates of the second class of thirty-six guns each.

Eighteen sloops of war, of which eleven are rated for twenty guns, two for eighteen guns, and five for sixteen guns.

Three brig-sloops, and four schooners, rated for ten guns each.

Four steamers; besides
Three store-ships, three vessels used as receiving vessels, and five small schooners.

At the date of the last annual report from this department, the ships in commission were employed as follows:

In the Mediterranean, the Ohio, of 74 guns, Captain LaVallette; the Brandywine forty-four guns, Captain Bolton; and the Cyane, of twenty guns, Commander Percival, who was relieved on the account of ill health, and succeeded by Commander Latimer; the whole squadron under the command of Commodore Jones.

The Cyane was relieved by the sloop of war Preble, Commander Voorlees, and returned to the United States in May last, her cruise having been performed. The Ohio returned on the 17th of July last, and the Brandywine on the 8th of May last. The return of the Brandywine was owing to particular causes, not connected with the original purposes of her cruise; and, as her presence in the Mediterranean was important, she was ordered back, under the command of Captain Geisinger. In July last, the sloop of war Fairfeld, Commander Pattall, sailed for the Mediterranean, taking out commodore Charles Morgan, who now commands the squadron on that station. The squadron consists at present of the Brandywine, Fairfeld and Preble. The honor of the flag, in its intercourse with those of

other nations, appears to have been properly sustained by this squadron; a due support and countenance have been afforded to our mercantile interest, and the amicable relations of our country with foreign nations have been preserved and preserved.

In the Pacific ocean the frigate Constitution, Captain Turner, the sloop of war St. Louis, Commander French Forrest; the sloop of war Yorktown, Commander Aulick; the sloop of war Dale, Commander Gaunt; and the schooner Shark, Lieutenant Bigelow; the whole under the command of com. Alexander Claxton. Commodore Claxton died at Talcahuana in March last, in the great loss of the service and the just regret of the country. Upon that event the chief command of the squadron devolved on captain Daniel Turner, who returned to the United States with the Constitution on the 31st of October last, the time of her cruise having expired. Commodore Thomas Ap C. Jones, having been appointed to the command of that station, will sail in the frigate United States in the course of the next fortnight. The sloop of war Cyane, Commander Stribling, sailed for the same station early in November. Upon the arrival of Commodore Jones, the squadron in the Pacific will consist of the frigate United States, the sloops of war St. Louis, Yorktown, Cyane and Dale, and the schooner Shark.

Orders were given to Commodore Claxton to employ one of his vessels in cruising in the Gulf of California and along the northwest coast of America, and to visit the Sandwich and Hawaiian Islands, in order to afford protection and assistance to our citizens engaged in the whale fisheries. In obedience to this order, the sloop of war St. Louis, commander French Forrest, was ordered to cruise in the Gulf and along the western coast of California. This duty was performed in a judicious and creditable manner by Commander Forrest. The atrocities committed on American and English residents at Monterey and its neighborhood, by the Mexican authorities, are well known. Under the unfounded pretence of a conspiracy among the foreigners to wrest the country from Mexico, and to set up a separate and independent government of their own, they were attacked by armed soldiers at night, wounded, beaten, imprisoned, sent in chains to a distant place, and their property destroyed, without even the forms of trial. In the midst of these outrages, Commander Forrest arrived upon the coast, and, by his prompt and spirited interposition, vindicated the rights of our citizens, and secured the rights of British subjects residing in Upper California. For these services Commander Forrest received, and appears to have well deserved, a formal expression of the thanks both of American and English residents.

In consequence of the civil disturbances in Upper Peru, it was deemed proper to dispatch the Shark, under the command of lieutenant A. Bigelow, to cruise upon that coast. The movement was judicious and well timed, and the delicate trust reposed in Lieutenant Bigelow was discharged in a manner highly satisfactory to this department. The property of American citizens, exposed to the rapacity and lawless violence of contending factions in the midst of civil war, was effectually protected, whilst all who witnessed the operations of the Shark were inspired with increased respect for the American flag. It is highly gratifying to observe, that Lieutenant Bigelow has been able to view the operations of the protection of our flag to the citizens and subjects of other countries as well as to those of our own.

In further execution of the orders of the department, the sloop of war Yorktown, Commander Aulick, was dispatched on a visit to the Sandwich and Hawaiian Islands, in order to view the operations of our citizens, and to afford them the assistance as might be necessary to our whale fishers and other citizens trading in that part of the Pacific. No intelligence has been received from her since she left Valparaiso.

The conduct of this squadron, as well under the command of Commodore Claxton as under that of Captain Turner, has been highly satisfactory to this department. No disorder nor failure in duty has yet been reported to me, calling for my censure or disapprobation. On the contrary, the strictest regard appears to have been paid to the honor of the flag, and to the duties which it owed to the country and its citizens. Captain Turner very properly availed himself of an opportunity to show respect to a friendly power, by receiving on board the Constitution, at Callao, and conveying to Rio, the Brazilian charge d'affaires. For this act of courtesy he received the thanks of the imperial government.

I would respectfully solicit your attention, in a particular manner, to the situation of American interests in the Pacific ocean. According to an estimate made by an intelligent gentleman lately returned from the Pacific, there are at this time not less than forty millions of dollars engaged in the whale fisheries alone,

of which the greater part is American. I have great confidence in the accuracy of this statement; but, even if it be too large, there will remain, after all reasonable deductions, an interest of vast magnitude and importance. American merchants have formed establishments in different parts of the coast, from Chili to Columbia river, some of them very extensive and important, and all of them entitled to the attention of government. In Upper California there are already considerable settlements of Americans, and others are daily resorting to that fertile and delightful region. Such, however, is the unsettled condition of that whole country that they cannot be safe, either in their persons or property, except under the protection of our naval power. This protection cannot be afforded in proper degree and with suitable promptness by so small a squadron as we have usually kept in that sea. To cruise along so extensive a coast, calling at all necessary points, and at the same time to visit those parts of the Pacific in which the presence of our ships is necessary for the protection and assistance of our whale fisheries, requires twice the number of vessels now employed in that service. It is highly desirable, too, that the Gulf of California should be fully explored; and this duty alone will give employment to a long time to one or two vessels of the smallest class. For these reasons we have caused estimates to be prepared for a large increase of the Pacific squadron.

I also respectfully submit to your consideration the propriety of establishing, at some suitable point on the coast, a place of refuge, where our vessels may resort, in case of any emergency to this object may be found between the mouth of Columbia river and Guayaquil, which, it is presumed, may be procured, if they be not to be found on our own territory. Our public vessels cruising in that area are generally absent from the United States not less than six months, and in the absence they necessarily require a variety of supplies which they now be obtained without very great difficulty and expense. Any considerable repair is almost impossible, with all the means which can be furnished by all the nations of the coast. Such a post would also be of great service as a place of refuge and refreshment to our commercial marine, and would be of great moment to our commercial marine, and would be of great moment to our commercial marine, and would be of great moment to our commercial marine.

In addition to this, a naval depot at the Sandwich Islands would be of very great advantage. It is a central point of the trade carried on to the Pacific, and possesses many peculiar recommendations of climate and local conveniences and accommodations.

On the coast of Brazil, the frigate Potomac, of 44 guns, Capt. Storer; sloop of war Concord, Commodore de Boerum; Marion, Commander Bell; Decatur, Commander Ogden; and schooner Enterprise, Lieutenant Goldsborough; all under the command of commodore Charles G. Ridgely.

Commodore Ridgely, having desired to be relieved, in consequence of ill health, and having been informed that his successor would soon leave the United States, returned home in the Constitution, leaving the squadron under the command of Captain Storer. This was in nowise injurious to the service; and the reasons assigned by commodore Ridgely for his return before the arrival of his successor were altogether satisfactory to the department. On the 1st of November, the Delaware of 74 guns, captain C. S. McAuley, having on board commodore Charles Morris, left Hampton Roads for this station. On her arrival, the squadron will consist of the Delaware, Potomac, Concord, Marion, Enterprise, and Decatur, all under the command of Com. Morris.

Nothing of particular interest has occurred in the operations of this squadron. The friendly relations of our country with the government of the coast have been strictly maintained, and the rights of our citizens have been duly respected by the local authorities.

In the West Indies, the Macedonian, of thirty-six guns, commodore Jesse Wilkinson; the sloops of war Levant, Commander Fitzhugh; and Warren, Commander Jameson. This squadron was ordered to return to the United States, to avoid the hurricane season in the West Indies, and is still here. The sloop of war Vandalia, Commander Ramsay, will take the place of the Levant, and the whole squadron will be ordered back to its station as soon as the vessels can be supplied with crews.

In the East Indies, the frigate Constellation, of thirty-six guns, commodore Laurence Kearny, and the sloop of war Lexington, of 16 guns, Lieut. Comdr. Leach, all under the command of Commodore Kearny. The operations of this squadron are dated at sea, off the Cape of Good Hope, 31st July, 1841. At that time the officers and crews of both vessels were in good health,

and they were making the best of their way to the place of their destination.

The exploring squadron, under the command of lieutenant Charles Wilkes, consists of the sloop of war Vincennes, commanded by that officer; the Peacock, Lieut. Hudson; the brig Porpoise, Lieut. Ringgold; and the schooner Flying Fish, as a tender to the squadron.

Intelligence down to the 6th of April, 1840, has been communicated in previous reports from this department. At that time the squadron was in New Zealand. In further prosecution of his cruise, Lieutenant Wilkes visited the Fecjee islands, and succeeded in establishing useful relations with the principal chiefs. His surveys of this group were prosecuted with great care and industry, and have served to ascertain the positions of a large number of dangerous reefs, and to indicate many secure and convenient harbors. This will be of great value to our citizens trading with that group, and particularly to the whalers. In many of the harbors, in the inner group, the conditions to which the whalers are subjected are so favorable, that whales abound, although very few are to be found in the neighboring sea.

The melancholy tragedy which has already been announced in the public journals was enacted at this point. Lieut. Joseph A. Underwood and midshipman William Henry, while engaged in surveying, were treacherously assailed by the natives, and, after a brave but ineffectual resistance, were slain. Their bodies were recovered and buried there. Their bodies were rescued and properly interred, and Lieutenant Wilkes indicted on the offending savages a severe chastisement, which will probably deter them from similar outrages in future. He was also fortunate enough to capture a noted chief, who instigated the massacre of a greater part of the crew of the brig "Herald" at the mouth of the Saginaw. This chief he proposes to bring to the United States, to be dealt with as the government shall direct.

At the last dates, 24th November, 1840, the squadron was at the Sandwich islands, undergoing repairs. It was the intention of Lieutenant Wilkes to visit the northwest coast of America, and to return to the U. States early in the summer of 1842.

A squadron of small schooners, under the command of lieutenant John T. McLaughlin, has for some time been co-operating with the army in Florida. This force has been increased, since the last annual report from this department, by the addition of three revenue cutters, placed under the direction of the department for that purpose, by the secretary of the treasury, and a new schooner built under the direction of the war department. The whole force now consists of seven schooners.

Important assistance has been rendered by this little squadron in the military operations in Florida. It has furnished the means of penetrating the interior of the country and attacking the enemy in his fastnesses. Lieut. McLaughlin has manifested great bravery, energy and zeal, and much credit is due to him, and to the force under his command, for the handsome manner in which they have acquitted themselves.

In obedience to the act of July, 1840, the brig *Consort*, under the command of Lieutenant Powell, has been diligently engaged in the survey of the coast, from the bay of Appalachicola to the mouth of the Mississippi. This survey was completed in June last, and Lieutenant Powell has since been engaged in the survey of the South shoals of Nantucket.

The brig Dolphin, Commander Bell, and schooner Grampus, Lieutenant Paine, returned, the former in May, and the latter in August last, from their second cruise on the coast of Africa. These vessels have been actively and efficiently engaged in the suppression of the slave trade, and in the protection of our commerce. It is gratifying to learn that the crews regret to say that their officers and crews have suffered severely from the diseases of the climate; and it is owing in a great degree to the constant vigilance and prudent precautions of the commanders, that their sufferings were not still greater. Notwithstanding the prevalence of the climate, it is impossible to dispense with the aid of the coast-guard station to the interesting duty of suppressing the slave trade, which could not be otherwise effected, the lawful commerce of our citizens with all parts of the coast is rapidly increasing, and already employs a very large capital. This trade is an object of so much importance to our country, that it is not surprising that rivalry by traders of different countries, that the presence of national vessels is absolutely necessary to protect them in their just rights, and to prevent those outrages, unfriendly to the harmony of nations, to which men are often driven by the thirst of gain. It is also worthy of consideration, that the presence of our vessels is a powerful stimulus to our colonies, by giving them consequence in the eyes of the neighboring native tribes. These views give great interest to this squadron, and render it desirable that

it should be placed upon the most effective footing.—Many additional precautions, however, are necessary, in order to protect the crews from the fatal diseases of the climate, and thus to enable the squadron properly to discharge its duties. I have taken measures to obtain the requisite information upon this point, and hope to be able to avail myself of it when a new squadron shall be appointed to that service.

The operations of these vessels have been highly valuable in protecting the rights of our citizens engaged in trade, and in preventing the traffic in slaves. They have performed all that could have been reasonably expected of so small a force. An additional number of vessels, some of which should be of larger size, will undoubtedly be necessary for the security of our increasing trade in that quarter, and for the effectual suppression of the slave trade. This trade, I regret to say, is still carried on to a considerable extent, notwithstanding the vigilance of our cruisers, aided by the active co-operation of those of England.

Representations having been made to the department of an act of unlawful violence committed against American citizens on the coast of New Grenada, the Brig Dolphin, under the command of Lieutenant McKean, was dispatched to that quarter in September last, with such instructions as were deemed necessary to redress the wrong, and to guard against the commission of similar outrages in future. Intelligence was received on the 5th inst. that the Brig Dolphin had reached her place of destination. The time she had required to complete her mission, and the particular outrage complained of was not committed upon an American vessel but the presence of the Brig Dolphin was nevertheless considered by our consular agent highly advantageous to American interests, inasmuch as it then disturbed state of the country.

The steamships Missouri and Mississippi, built under the act of 3d March, 1839, the former at New York, and the latter at Philadelphia, are nearly ready for service, and will form a part of the home squadron.

Orders have been given for the construction of three steamers of medium size, under the act of 3d March, 1841, one at New York, one at Philadelphia, and one at Norfolk. In addition to these, captain R. F. Stockton is superintending the construction, at Philadelphia, of a steamer of 600 tons, to be propelled by Ericson's propeller; and Lieutenant W. W. Hunter is engaged in like manner at Norfolk with one of 300 tons, to be propelled by submerged water-wheels invented by himself. Very valuable results are anticipated from these experiments.

Orders have been given to build a first-class sloop and three small vessels of war, and to finish the frigates Cumberland, Savannah, Raritan and St. Lawrence.

The balance in the treasury to the credit of the navy hospital fund is \$217,907 53. This fund is gradually increasing, from the assessment of 20 cents per month upon the pay of officers, seamen and marines, so that a continuing surplus may be expected. I recommend that authority be given to invest these surpluses, as they accrue, in some interest-bearing

So much of its annual increase as may not be needed for the particular purposes of the fund may be advantageously applied, in other forms, to the comfort of our seamen. The average annual increase of this fund, from the 1st January, 1836, has been \$27,223 67; which, if it had been invested in 6 per cent. stock, would have added to the amount \$57,482 04 on the 1st of January next.

Of the appropriation for the "suppression of the slave trade," there remains unexpended the sum of \$4,365 14, which has been carried to the surplus fund. I recommend that it be reappropriated, and the further sum of \$3,000 be added, in order to meet outstanding liabilities of this fund.

Under the head of "contingencies not enumerated" there remains, of the appropriations of the last three years, the sum of \$9,246 76; of which \$3,246 76 will be carried to the surplus fund on the 1st of January next, if not previously applied to the proper purposes of the fund.

For the condition of the "navy pension fund," I respectfully refer you to the annexed report of the commissioner of pensions.

The operation of the apprenticeship system continues to be highly encouraging. Complaints are occasionally made that the pledges of the government are not fully redeemed, but no sufficient evidence has yet reached the department of the existence of any serious abuse. Great interest is felt in the success of this experiment, and every effort is used to secure to the apprentices all the benefits and advantages promised by the terms of enlistment. The vigilance of the department will be constantly exerted to guard against all abuses, and to introduce into the system every practicable improvement. The number of apprentices now enlisted is about 1,000. This number is expected to result as might have been expected. An extension of the system is contemplated, so as to give to boys

in the interior of the country an opportunity to join the service, without subjecting them to the expense of a journey to the rendezvous on the seaboard.

Great difficulty is experienced in the enlistment of seamen. To what cause this should be attributed I am unable to say; and, consequently, I am not prepared to suggest any remedy. It is, however, probably true, that the *mere seaman* is of too little consideration in the general estimate of the service. Laws and regulations securing to him the enjoyment of his just rights, liberal wages punctually paid, and a strict application, if not an exercise, of the benevolent principle, which provides for him or his family when he is disabled or killed in the service, would probably secure for our ships of war the preference in most cases over those of the merchant service.

Experiments in gunnery and projectiles, which have been conducted for several successive seasons under the direction of captain M. C. Perry, in the vicinity of New York, have been continued on board the United States steamer *Fulton*, captain John T. Newton, but under the general control of Captain Perry. In testing a gun in the usual mode, it unfortunately burst, killing several men and wounding others. The investigation of the cause of the accident by a court of inquiry, whose finding shows that, however distressing and deplorable the accident may have been, no just cause can be attached to the officer who conducted the experiment.

Measures have been adopted, and are now in process of execution, for supplying the navy with the requisite guns. Less progress has been made than was desirable, because of the great pains which have been taken to obtain the *best* guns which could be procured in the country. In a short time they will be furnished of the various descriptions used in the service, including the Paixhan guns.

Under the appropriation of the last session, for the purpose of "making experiments to test the value of improvements in ordnance, in the construction of steamers and other vessels of war, and in other matters connected with the naval service and the national defence," nothing has yet been actually paid. Some experiments, however, have already been authorised, and others are now under the consideration of the department, from which very beneficial results are confidently anticipated. It is not proper, however, to turn the public mind to the question, so many scientific and practical men throughout the country are now turning their attention to the subject that we may reasonably expect great advantages from a judicious use of this appropriation.

I have, under your directions, taken measures for the construction of a steamer on Lake Erie, in compliance with the act of 9th September, 1841.

I regret to say that the measures which have been adopted for the preservation of live oak and red cedar timber, under existing laws, have not been attended with the desired results. Whether this is owing to the inefficiency in the laws themselves, or to want of due vigilance and fidelity in the agents employed, I cannot say. It is true, however, that there is no evidence that the timber is daily taken in large quantities from the public lands, without authority and contrary to law. This is a serious mischief, and one which calls for prompt remedy. It is confidently believed that the agencies now authorised by law will never answer this purpose. The lawless bands who are engaged in these operations are too numerous, and their unsupported authority of the agents; and, as it is almost impossible to bring them to justice through the ordinary forms of trial, they are left to plunder unrestrained. The presence of a military force, charged with that especial duty, is believed to be absolutely necessary to preserve the most valuable timber land. A very small force would answer the purpose. A single steamboat, with her ordinary crew and a few marines, under the command of an active and judicious navy officer, would be able to pass rapidly from point to point, and extend full protection to every timber district which is accessible by water. The co-operation of the revenue cutters would be afforded if required. This would be at once the most effectual and the cheapest expedient. Agents might still be employed to watch the interior districts, and to give notice of all trespasses committed on them. Power should be given to arrest offenders, and to bring them before the nearest magistrate. If the penalties provided by the statutes prescribed by the act of March 3, 1879, and § 31 are supposed to be sufficiently severe, the only difficulty now is to detect offenders and bring them to justice. Additional legislation, also, is probably necessary, to define accurately the limits of the reserved districts, and to prevent all interference with private rights.—The Government has no responsibility in respect to those who claim the early and serious attention of Congress.

Every effort has been made, in compliance with the law, to obtain water rotted American hemp for the use of the navy, but hitherto without success.

One contract has been made, but the contractor has been unable to comply with its terms. We are, therefore, for the present, thrown upon our former resources for a supply of this article, but I shall continue to use all possible exertions to carry out the wise policy of congress upon this point.

That *reform* is necessary, in every part of our naval establishment, is on all hands admitted; and it is, therefore, for the present, thought proper to make no delay. The delay has been in the making of reforms injurious to the service, and is daily rendering reform more and more difficult, as it becomes more and more indispensable. Impressed with this truth, and anxious that no time should be lost in commencing this important work, I respectfully bring it to your notice at the earliest day I do not permit, however, to be present at this time more than the mere outlines of the many important subjects to which I desire to invite your attention. It is presumed that congress, if it should act upon the subject at all, will refer it to committees of their own body, before whom I hope to be prepared to lay all the information that may be required.

The first step ought to be the preparation of a full code of laws and rules for the government and regulation of the naval service. Without this, every other measure of reform will be unavailing. It is of the essence of free government that the rights, the duties, and the responsibilities of all men, in all conditions, should be ascertained and accurately defined; and it is of the essence of tyranny that men should be punished for imputed offences, or at the arbitrary discretion of their judges. This truth applies with peculiar force to those who are engaged in military service. The strict discipline which that service requires renders necessary a great variety of rules which would be useless in the ordinary conditions of society, which involve no moral or social crime, but which, nevertheless, it is often necessary to enforce with the rigour of a military government. To a degree unjust in itself, and violative of the spirit of our institutions, that these new and peculiar responsibilities should be in any respect uncertain. And yet it is in many cases extremely difficult to determine, according to existing rules, what is and what is not an offence in our naval service; and in great many cases, the uncertainty of the law is dependent upon the arbitrary will of courts martial in what mode and to what extent offences, real or imputed, shall be punished. A short review of our legislation on this subject will serve to present it in its proper light.

The act of congress approved 23d April, 1800, certain general rules and regulations were enacted, embracing the most prominent and important subjects relating to the service. These are still in force, but, although they are of a character to apply to the navy in whatever condition it may be placed, and were deemed altogether sufficient for it at the infant state, they are too few in number, and enter too little into details, to answer their purpose at the present day. Acting upon this idea, the board of navy commissioners, soon after its establishment in 1815, compiled "rules, regulations, and instructions for the naval service of the United States," with the consent of the secretary of the navy, in obedience to an act of congress passed 7th February, 1815, entitled an act to alter and amend the several acts for establishing a navy department, by adding thereto a board of commissioners." This compilation, commonly called the Blue Book, is still practically in force, and together with the act of congress, forms the only system of rules and regulations for the government of the navy.

By the act establishing the board of navy commissioners it is provided "that the said board of commissioners, by and with the consent of the secretary of the navy, be and they are authorized to prepare such rules and regulations as shall be necessary for securing a uniformity in the several classes of vessels and their equipments, and for repairing and refitting them, and for securing responsibility in the subordinate officers and agents; which regulations, when approved by the president, shall be binding upon all officers and agents, until altered and revoked by the same authority; and the said rules and regulations, thus prepared and approved, shall be laid before congress at their next session." Whether or not the Blue Book (which derives its authority from this law alone) was ever approved by the president, is a question which I dare not say I have no means of ascertaining. The probability is that it was not approved, as the book itself contains no evidence upon the subject. But, even if both these formalities were observed, it is altogether clear in my mind that the commissioners acted without authority, in prescribing many of the rules and regulations contained in that book.

The obvious intention of the act of congress is to make the navy commissioners the ministerial agents

of the secretary of the navy, for certain purposes. He has no authority to employ any other agents for those purposes. Among other things, it is their duty, under the second section of the act, "by and with the consent of the secretary of the navy, to prepare such rules and regulations as shall be necessary," in the execution of the specific duties therein assigned to them, and for "securing responsibility in the subordinate officers and agents employed in those duties. There is nothing in the terms of the act, and nothing in its plain purpose and intention, to authorize the commissioners to prepare a general code of rules and regulations for the government of the navy. They were strictly confined to the purposes mentioned in the act, to wit, "securing a uniformity in the several classes of vessels and their equipments, and repairing and refitting them." For these purposes, and for other, they had authority to prepare, by and with the consent of the secretary of the navy, such rules and regulations as they might deem proper; and, as a necessary incident of this authority, to prepare additional rules for securing responsibility in their subordinate agents.

That this is the true meaning of the act of congress is so apparent that I deem it wholly unnecessary to enter into a more critical examination in order to prove it.

But the Blue Book is not confined to these objects. It contains a great variety of rules and regulations applying to the department of naval duty, and to every officer and man connected with the naval service. It is designed as a general code of rules and regulations for the government of the navy, and, as such, it is universally received, and daily acted on.

Under this code, thus questionable in its authority, and altogether insufficient in itself, the navy has been governed for twenty-nine years! There is, in truth, no law upon the subject—no obligatory rule whatever, except what is found in the act of 1800; and that is altogether imperfect and inadequate.

This subject was brought before congress in 1832. A law was passed in that year authorising the president to constitute a board of naval officers, to be composed of the navy commissioners and two post captains, who should be authorized to employ, by the assistance of the attorney general, carefully to revise the rules and regulations governing the naval service, with the view to adapt them to the present and future exigencies of the service; which rules and regulations, when approved by him and sanctioned by congress, should be binding on the force, in lieu of all others theretofore enacted." The board thus constituted convened in November of the same year. In November, 1833, they submitted the result of their labors to the secretary of the navy, and on the 23d of the following month the rules and regulations thus prepared were approved by the president of the United States, and submitted to congress. On the 7th February, 1834, the chairman of the naval committee of the house of representatives moved that 1,000 additional copies be printed, which was directed on the following day. On the 1st May, 1834, the president submitted to congress certain proposals for amending the present laws in relation to the naval service." Whether or not these were the same proposals which he had previously submitted, (viz: on the 23d December, 1833), I am not informed, nor is it of any importance in itself. The probability is, that some amendment of the present proposals was presented in May 1834. On the 8th of the same month, the chairman of the naval committee of the house of representatives reported a resolution for the printing of 1,000 additional copies of the *ancient* rules and regulations for the government of the navy. No further action was taken, and congress adjourned on the 30th of the following month.

From this statement it appears that this important subject has been before congress ever since the year 1832, and that nothing effectual has yet been done to accomplish the object of the act of that year. Soon after the appointment of Mr. Paulding as secretary of the navy, he presented to the president, with all proper zeal. Such, however, was the pressure of other duties upon the board, that it was impossible for them to attend to the revision of the naval code, as Mr. Paulding desired, until December, 1840. On the 19th of February, 1841, they submitted their report to the secretary of the navy, who approved thereof, but did not lay it before congress, as the act of 1832 directed. Neither was this done at the called session of May last. I have now the honor to lay this report before you, and to ask that it be submitted to congress.

It cannot be too generally admitted that these rules and regulations are altogether defective, and are altogether in many important respects; and, as the further action of congress in regard to them is necessary, I recommend that they be again submitted to revision. I

would respectfully suggest that the preparation of rules and regulations for the government of all classes and grades in the navy ought not to be entrusted to any one person exclusively. A mixed commission, embracing the civil as well as the military departments of service, would, it is believed, be best qualified to adapt to every part of the service the proper laws and rules for the government and regulation of it. Such a commission might, with the aid of the rules now submitted, easily report to congress in time for its acting during the present session.

The evils resulting from the want of a proper naval code are of the most serious character, and will, if not remedied, ultimately ruin the naval service of our country. What can be expected of a community of men, living together under circumstances tending to constant excitement and collisions, with no fixed law to govern them, and where even rank and station are imperfectly defined? The necessary consequence of such a state of things must be, disputes, contentions, disorder, and confusion. Sometimes unauthorised power will be assumed, and at other times lawful authority will be disobeyed. It is impossible that a whole army, or a whole navy, should exist in that condition of official rank and authority. The same uncertainty prevails in regard to punishments. The unbounded latitude of discretion allowed to courts martial in this respect is of most evil consequence, and calls loudly for correction. It invites to the indulgence of the discipline, and thus invites to light offences to undue punishment, and suffering great offenders to escape with trivial penalties. And, even if no such improper bias could be supposed to exist, it is not to be expected that all courts will look upon all offences with the same eye. Men of lenient and indulgent feeling will punish lightly the same offences which those of a different character will punish with the most rigorous severity. Hence an inequality of punishment will prevail, odious in itself, calculated to excite discontent, to bring courts martial into disrepute, and to destroy the just influence of their sentences in the maintenance of the honor and discipline of the service. To prevent these evils, to remedy the disorders which now prevail, and to place the navy in a healthy and efficient condition, it is absolutely necessary to provide for it a code of laws and rules which shall accurately define the rank and station of every officer, and his duties and responsibilities, and ascertain crimes and their punishments. And I would respectfully urge upon the proper departments of the government the indispensable necessity of entering upon this important work without loss of time.

The subject of importance is the reorganization of the navy department. I have had but a short experience in this department; but a short experience is enough to display its defects, even to the most superficial observation. It is, in truth, not organized at all. The labor to be performed, under any circumstances, is great and onerous; but it is rendered doubly so by the want of a proper arrangement and distribution of duties. At present, a multitude of duties are imposed upon the head of the department, which any one of its clerks could discharge as well as himself, but which, from their pressing nature, he is not permitted to postpone. Hence, his whole time is occupied in trifling details, rendering it impossible for him to bestow the requisite attention upon more important subjects, involving the great interests of the service. These details are indeed so numerous and multifarious as to render it impossible for any man to attend to them fully, and to the powers of any one man. In addition to this, the present want of proper arrangement is extremely unfavorable to that direct individual responsibility which it is so necessary to impose on every public officer. The same cause occasions delays in his operations, and the department, by requiring necessary variety of tedious official forms, and consequently preventing that promptness of action which is indispensable to its due efficiency. And it is not the least among the evils of this state of things that the precise condition of the several branches of the service, and the distribution of labor without time and labor; thus adding to the cost of the department, while it diminishes its usefulness. These inconveniences and embarrassments, and many others which are daily felt, in the administration of the department, would in some degree be removed by a mere rearrangement of the duties, and the distribution of labor now employed in it; but additional labor is absolutely necessary, in order to enable it to discharge its functions in the manner required by the interest of the service. It would not be proper to enter into all the details of the subject in this report. It is already before congress, and will be received the early attention of that body. A resolution was adopted by the house of representatives on the 19th February, 1839, directing the secretary of the navy to "report to this house, at the commencement of the next congress, a plan for the reorganization of this branch of

the public service, adopting as the basis of his plan the division of the duties now performed by the board of navy commissioners, and their assignees to sea and shore bureaux." In obedience to this resolution, Mr. Paulding, the then secretary of the navy, on the 10th of December, 1839, a long and elaborate report, "based on the principle presented in the resolution." To this report I respectfully refer. In most of its views, and in all of its more important conclusions, I fully concur. I do not, however, adopt his plan, or the principles, and some additional provisions, will probably be necessary, which the experience of the department will enable it to suggest, in arranging the details of the law. I earnestly invoke immediate attention to the subject, firmly believing that the administration of the department is so vitally connected with the safety of the country, and that it cannot be longer delayed without serious injury to the service.

There is reason to believe that it is how the settled policy of the government, to increase the navy as rapidly as the means at its disposal will admit, and, may there may be unnecessary that I should offer any suggestions upon that subject. I should not feel, however, that my duty was properly discharged, if I should fail to add whatever influence my own recommendation may possess, to the many considerations which suggest this as our true policy.

It is safe to say that the mercantile property of our citizens annually added on the ocean, and employed in foreign trade, at not less than one hundred and twenty millions of dollars; and to this is to be added the value of the vessels in which that property is conveyed, and the value of American interests resident on mercantile establishments abroad, and dependent on mercantile trade.

The coasting trade, not including such articles as are exported, cannot be accurately estimated, but it certainly amounts to many millions of dollars. Taking the aggregate of all property annually exposed to an enemy on the coast, and in the harbors, and in the rivers, it will probably be found that it does not fall short of one hundred and fifty millions of dollars. So large an interest is entitled to demand, and justly expects to receive, the most certain and ample protection. This is due alike to the citizen whose property is exposed, and to the government, whose revenues are so completely dependent on the duties which that property pays. But that protection can be found only on the ocean. Trade is never secure unless it can, at all times and in all places, appeal for support to the national flag; and it ought to feel that it is safe wherever that flag is displayed.

Our position, in relation to foreign commerce to any valuable extent provides, as a part of its established policy, an adequate military marine. Our own country is far behind all the considerable nations of the world in this respect. As compared with England and France, the two principal enemies of our nation, it is found that England, with much less than twice our foreign tonnage, has more than eight times as many vessels of war, exclusive of her steamships; France, with only one-third of our foreign tonnage, has more than five times as many vessels of war. The comparison might be still further extended, scarcely less to the disadvantage of our own country. It may well excite surprise that, with so large an interest at stake, and with a certainty that it will rapidly increase from year to year, so little preparation should have been made for its protection and security; and this surprise will not be diminished when we reflect that our interest, redressed and increased, is entirely dependent upon, our foreign commerce, and which must necessarily flourish or decay along with it. The farmer, the planter, the mechanic, the manufacturer, and even the day laborer, depends, in a greater or less degree, upon this for the success of his own peculiar line of industry; redress and increase of his interest are not made by the same influences. Commerce may be regarded as our principal interest, because, to a great extent, it includes within it every other interest.

Wars often arise from rivalry in trade, and from the conflicts of interests which belong to it. The presence of an adequate naval force, to protect our commerce, by prompt redress and to the injuries which are done to it, is one of the best means of preventing these disputes and collisions which are so apt to interrupt the peace and harmony of nations.

But these views, although sufficiently important in themselves to justify and require a very large increase of our naval force, are not the most important, nor are they the only ones, in the subject. Ranking in the first class of nations, we are under an absolute necessity to regulate our policy, in some degree, by that of other countries, so far as their policy may affect us. All the considerable maritime powers have, within the last thirty years, increased the size and number of their navies, and at this moment actively engaged in the same work. This fact alone would seem to render it absolutely

necessary that we should make similar preparation on our part. In proportion as other countries multiply the means by which they annoy us, we ought, in common prudence, to add to our own defences and to our own means of resisting insult and injury. Any other course will only invite aggression upon our rights, which will continue to increase so long as we shall patiently bear them, and which most ultimately favor the aggressor. The more we are annoyed, when we are least prepared to make it successfully.

Free governments, which are necessarily more embarrassed in their councils, and slower in their action, than those which are not bound to observe the necessary *foras* of free government, have a peculiar interest in the subject of our inquiry. The nature of our institutions presents a very strong appeal upon this point. A war between the United States and any considerable maritime power would not be conducted at this day as it would have been twenty years ago. It would be a war of incursions, aiming at revolution. The first blow would be struck at the treasury. The nature of the nation, it is presumed, would expect to be successful over us for any length of time, in a fair contest of arms upon our own soil; and no rise nation would attempt it. A more promising enterprise would be sought, in arraying what are supposed to be the hostile elements of our social system against one another. An enemy so disposed, and free to land upon any part of our soil which might promise success to his enterprise, would be armed with a fourfold power of annoyance. Of the ultimate result of such incursions, we have no reason to be afraid; but, even in the best event, war upon our own soil would be a most expensive, the most embarrassing, and the more horrible in its effects, by compelling us at the same time to oppose an enemy in the field and to guard against attempts to subvert our social systems.

Heretofore we have found in the shallowness of many of our waters security, to a certain extent, against the hostile incursions of our enemies. So recently been made in artillery, are destined to change the whole system of maritime war. Steamboats of light draught, and which may be easily transported across the ocean in vessels of a larger class, may invade us at almost any point of our extended coast, may penetrate the interior through our most secure rivers, and may land and out of our most fortified harbors. The celerity with which these movements could be made, the facility with which such vessels could escape, and the promptness with which they could change the point of attack, would enable an enemy, with a comparatively inconsiderable force, to keep us in constant alarm, and to compel us to the horrors of war into the securest retreats of our people. The effect of these incursions would be terrible every where, but in the southern portion of our country they might, and probably would, be disastrous in the extreme.

It is obvious that a war thus conducted must be successful to a very great extent, in spite of all the defences on land which we could contrive. Nothing less than the conversion of half our country into a military garrison could protect us against it. Such is the exposed condition of our country, such is the character of our position, and such is the number of our people, that a population of twice our present number under the best military organization, would avail us but little. Whilst the combined powers of the world could not subdue us, even a secondary naval power could avoid our land defences, set our armies at defiance, and prosecute against us our interminable harassing and disastrous.

The single question, then, which we have to decide, in reference to this subject, is, where and by whom shall those battles be fought, which may hereafter become necessary in defence of our property, our institutions, our honor, and our lives? Shall we meet the enemy upon the ocean, with men trained and disciplined for that purpose, and on their own element, the shores, trusting to a scattered and harrassed people to expel him from their farms and their firesides? This question admits of but one answer. But it is worse than idle to suppose that all those high interests which I have alluded can be adequately protected by our present naval force, or by the thousands of exposed sea and lake coast, a foreign invader, more scattered than the most distant seas, and a domestic trade exposed alike upon the ocean and upon our interior waters, are, in effect, surrendered to the enemy, when they are entrusted to the protection of some twenty ships in commission.

If these views be not altogether unconvincing, the policy of increasing our navy, without further delay, is obvious. *How far* it shall be increased, the wisdom

of congress will decide. Looking to it as the chief, if not the only adequate defence of our country against those wars of incursions from which so much evil is to be apprehended, I respectfully suggest that we cannot safely stop short of half the naval force of the strongest maritime power in the world. Our policy is peace, and we do not propose to ourselves a war of aggression, should we be compelled to employ it, as necessary as a measure of defence. It is not probable that any nation could detach from other service more than one-fourth of its whole naval force, to attack us upon our coast; so that, after deducting such part of our own force as we could not employ at all, and which part we should not be compelled to employ, there, we might reasonably hope to repel from our shores any maritime power, with only half its force in ships. With less than this, our fleets would serve only to swell the triumphs and feed the cupidity of our enemy. It is better to have none at all than to have less than enough. I am aware that this great increase of our navy would not be effected in any short time. I propose it only as the object at which our policy ought to aim, and towards the attainment of which your measures ought to be steadily directed. An annual appropriation, as liberal as the means of the treasury will allow, will in a few years accomplish all that is desirable.

Of what description of vessels our navy ought to be composed, is a question of great importance, and one which we are compelled to decide with reference to the practice of other countries. Doubtless a very large part of it ought to consist of steamships. Experience has shown that the vessels may be rendered perfectly safe at sea, and that they may be so constructed as to adapt them, in other respects, to purposes of war. Of their great usefulness the world has had a striking proof in the recent operations of the British squadron on the coast of Syria—troops were transported, and the British flag was planted over the coast, and were engaged in battle in Asia Minor on the sixteenth day after leaving England. This and other facilities afforded by this class of vessels were so great and effective that the admiral declared that "this success was owing to the efficiency of his steamers." They may well profit by the lesson thus taught. I might say that the vessels which would not be wise in us to engage very extensively in the construction of steamships of war of the largest class at this time. Imitating the example of England, our wisest policy would be to aid the private enterprise of our citizens in constructing packet ships, to transport our citizens and foreign troops, and to transport our troops and foreign troops. These should, of course, be constructed to fit them for war purposes, and should be held subject to the demand of the government, upon equitable conditions. There will, in all probability, be enough of such vessels to answer all the purposes for which steamships of the largest class would be required, and they would be furnished at a comparatively small cost to the government. Improvements are daily made, not only in steam machinery, but in the propelling power applied to steam vessels. Experiments are now in progress which promise important results in these respects, and it would probably be judicious not to expend large sums in the construction of steamships for distant cruises until these results shall be made known. But the same reasoning does not apply to steam vessels of a smaller class, destined for the defence of our own coast and harbors. These ought not, under any circumstances, to be delayed. They would be particularly useful on the lakes and in the Gulf of Mexico, and would be employed advantageously employed, under proper regulations, in the revenue service. They would be peculiarly adapted to the Gulf of Mexico, in consequence of the calms and currents which prevail there, and of their greater facility in making harbor in the violent tempests which are so common in that sea. This is, in truth, but the single harbor of Pensacola in which a ship of large draught can find shelter, although there are many which afford sufficient depth of water for steam vessels of the proper size. These vessels should be built of white oak, reserving the live oak for the bows of a different class.

Steamships have been built in Europe, of iron, of wood, and of mixed materials. The subject is understood to have been successful. I recommend that it be made here also, with at least one vessel of medium size, sufficiently large to afford a fair test without exposing too much to the hazard of failure. The great abundance of that material found in all parts of our country, and the facility with which it can be desired, and our workmen will soon acquire, if they do not now possess, the requisite skill in converting it into vessels. We may thus acquire a cheap and almost imperishable naval force, while, at the same time, we afford encouragement to some of the most useful and important manufactures of the country.

In my opinion, there is no necessity at present to increase the number of our line of battle ships. Some

In connection with this subject, I would ask you attention to the situation of the professors of mathematics now employed in the service. This useful class of men have no permanent connexion with the navy, and are not paid except when on actual duty. The consequence is, that they cannot rely on this employment for support, and are often reluctantly driven to other pursuits. It is to be presumed that the best qualified, and the most useful, of these professors in the navy, are equally qualified to be teachers on land; and, as this latter is the less precarious position, the best qualified will be the most apt to seek it. Hence the department cannot rely with any assurance on the services of these professors, except at all times when their services may be required. It is, I think, of great importance that some provision should be made upon this subject. I also recommend

that a certain rank or position be given to the professors, which will relieve them from the necessity of messing and sleeping with their pupils. This close and constant association is well calculated to weaken the respect and influence which their relation to the young officers ought to inspire, and which is absolutely necessary to give due effect to their instructions. I doubt whether their services upon the present system are worth the money which they cost, although they would be highly valuable under proper regulations.

It will be perceived that the estimates for the ensuing year are much larger than they have heretofore been. It is confidently believed, however, that nothing has been asked for which is not necessary, and that nothing which is deemed necessary has been over estimated.

Having recommended a large increase in most of our squadrons, it followed, of course, that I should ask the requisite appropriations to support them. Presuming that government does not build ships without designing to use them, it would appear to be the obvious duty of this department to keep as many of them in constant service as can be profitably employed. This is, indeed, the true economy. Some of our finest ships have decayed to a serious extent, while yet upon the stocks, and still more have, after having been launched, required expensive repairs before they have been sent to sea. This is the necessary consequence of keeping them in our docks. Ships in actual service are generally in better repair. Some of our vessels decayed. A careful guard is kept over them, so that slight decays are immediately detected, and repaired without any considerable expense. It has frequently happened that our vessels have been found, after their return from long cruises, in better order for service than when they left the docks. On the other hand, when they are kept in port without crews, they decay rapidly, for want of the care and attention necessary to preserve them. It may well be doubted whether the aggregate of losses sustained and repairs rendered necessary, by non-use of our vessels, has fallen very far short of what it would have cost to keep them in commission.

But this is the least part of the evil. While our vessels are unemployed, our officers are idle. They thus lose the opportunity of acquiring a due knowledge of their profession, and naturally fall into those erroneous habits of mind which are so common. It would not be surprising if they should forget, in some degree, their respect for the flag which they are so rarely permitted to hoist, and lose in indolence and despondency, the lofty spirit and generous aspirations to which the navy owes its past renown. I am happy to assure you that its present prominence requires to serve this neglect. At no previous time has it been able to boast of so many able officers of the higher grades, or of so many young officers of fine spirit, good attainment, and fair promise. Nothing is required but to brush off the rust of idleness by giving them employment, and to restore to the navy the pre-eminence of a reasonable hope that a life devoted to the country, in the arduous service of the sea, may claim, at least, the reward of that country's notice and respect.

Other reasons for the present increased estimates will be found in the report of the navy commissioners, which I herewith present. Their statement is minute and specific, and at the same time so condensed that it conveys all needful information upon this point, in as few words as I could use for the same purpose. I content myself, therefore, with a simple reference to that report, remarking at the same time, that it meets my entire approval.

It will be perceived that a very small appropriation is asked for continuing the necessary work at the navy yard at Pensacola. The great importance of that yard is fully appreciated, and every effort will be used to complete it in the shortest time as possible. It is believed, however, that the appropriation now asked is as large as can be advantageously used during the next year. I shall not hesitate to ask an additional appropriation, should it hereafter appear to be necessary.

I invite your attention, in an especial manner, to the report of the navy commissioners, which I herewith present. Their statement is minute and specific, and at the same time so condensed that it conveys all needful information upon this point, in as few words as I could use for the same purpose. I content myself, therefore, with a simple reference to that report, remarking at the same time, that it meets my entire approval.

I respectfully suggest that an establishment of such magnitude and value should be bounded on all sides either by water or by a public street, so as to afford the greatest possible security against danger from fire. The present is a very favorable time for the purchase of the additional ground necessary for the attainment of this object. I recommend this subject to your consideration before any large additional expenditure shall be made for permanent improvements under the present arrangement.

A suit has been commenced, by an individual, for the recovery of eight or ten acres of land attached to the navy hospital at Norfolk. So much of that land as is unclaimed by individuals, has now growing upon it a grove of flourishing trees, which would, if properly protected, afford great comfort and refreshment to the invalids, while it would add much to the beauty of the grounds. At present, however, it is not enclosed, and consequently is subject to depredations which there are no means of preventing. These depredations will in a short time destroy the whole growth. A very small expenditure would protect it, and would be very beneficially applied to that object. I may here perceive that the commissioners ask for additional clerks. If these are not considered altogether necessary, I should strenuously urge the subject upon your attention but for the hope that the wants of the entire department in that respect will be provided for in the re-organization of it, which I have herein so earnestly recommended.

As to the purchase of stocks, which are so often together necessary, I should strenuously urge the subject upon your attention but for the hope that the wants of the entire department in that respect will be provided for in the re-organization of it, which I have herein so earnestly recommended.

As to the purchase of stocks, which are so often together necessary, I should strenuously urge the subject upon your attention but for the hope that the wants of the entire department in that respect will be provided for in the re-organization of it, which I have herein so earnestly recommended.

Permit me to express my entire approval of the suggestion of the commissioners in relation to a suitable depot for the charts and nautical instruments belonging to the navy. These have been procured at great labor and expense, and are indispensable in naval service. The small expenditure which will be necessary to preserve them in a condition always ready for use, is not worth a moment's consideration when compared with the great purposes which they are designed to answer. They are a necessary part of a naval establishment worthy of the present and growing greatness of our country.

In the administration of this department, it will ever be an object of great solicitude with me to practise a prudent economy in all things. But I have not sought to save the public money, by simply declining to do what would be of value to the public. Believing it to be an object of the first importance to place our navy upon the most efficient establishment, I have not expected to effect that object at any small cost. The saving which exposes the country, in a defenceless condition, to hostile attacks, will not be recommended by me. The spirit which would calculate the cost of measures rendered necessary for the support of the honor and glory of our country will never, it is hoped, display itself in this department. I have felt it to be my duty to place the alternative fairly and fully before the country. An efficient navy can be built and supported without very great expense; but this expense must be repaid, even in time of peace, by the services which such a navy can render. In war, it will be worth to us all the value which we place on the safety of our exposed seacoast, on the security of millions of our people, and on the renowned glory of our naval flag. It is enough that a necessity for expenditure is shown; the amount of it will be a secondary consideration with a people who truly love their country and properly value its institutions. All which is respectfully submitted.

A. P. UPSHUR.

TWENTY-SEVENTH CONGRESS, SECOND SESSION.

SENATE.

DECEMBER 15. Messrs. Calhoun and Preston appeared in their seats.

Mr. Wright presented memorials from citizens of Niagara county, N. York, praying congress, so far as they may consider it wise, and expedient, to intercede with the British government for the liberation of the American citizens now prisoners at Van Diemen's Land.

Mr. McKim presented the joint resolutions of the legislature of Alabama, relative to the establishment of a land office in that state for the disposition of the lands acquired under the Cherokee treaty. Also, joint resolutions from the same body, in which complaint is made of the great inconvenience resulting to the citizens of that State from the present rates of postage, and requesting that congress do and perform the same to the small ems issued from the post.

Mr. Merrick introduced a joint resolution providing for the transfer, to the company, of the stock held by the United States in the Chesapeake and Ohio canal; which was read a first and second time.

Mr. White introduced a bill making appropriate for the continuation of the Cumberland road through the states of Ohio, Indiana and Illinois.

Mr. Pierce introduced a bill to settle the claims of New Hampshire against the United States; and a bill to equalize the pay of the army of the United States.

Mr. Benton introduced a bill to authorize the legislature of Louisiana to sell the lands heretofore appropriated for school purposes in that state.

Mr. Lim introduced a bill creating a new land district in Missouri, and changing the boundaries of the southern and western land district in said state.

Mr. King introduced a bill authorizing the settlement and payment of certain claims of the state of Alabama against the United States; a bill for the relief of settlers on the public lands, who were deprived of certain benefits under the pre-emption law of June, 1834.

The bills above named were severally read a first and second time, and appropriately referred.

On motion of Mr. Bayard, it was Resolved, That the committee on naval affairs be instructed to inquire into the expediency of abolishing the southern and western land district in said state, and of employing a part of the navy to that service.

The resolution introduced yesterday by Mr. Mangum, was taken up, and being amended at the suggestion of Mr. King by inserting, after the words "resolutions of the committee," the words "and communications from the legislatures of the respective states," was agreed to, and the committee ordered to consist of three members, to be appointed by the chair.

On motion of Mr. Barrow it was Resolved, That the secretary of the treasury inform the senate what amount of public lands has been surveyed and is for sale in Louisiana; and also, what quantity has been advertised by proclamation, and afterwards sold, and the proceeds thereof.

On motion of Mr. Linn, it was Resolved, That the committee on commerce be instructed to inquire into the expediency of making an appropriation for improving the navigation of the Ohio, Mississippi and Missouri rivers, by the removal of snags, stumps of trees, and other obstructions in their beds, which annually destroy a great number of steamboats and other water craft, and a vast amount of produce and merchandise.

Various portions of the president's message were on motion referred to the committees on foreign relations, on naval affairs, on manufactures, on the District of Columbia and on the post office and post roads.

Woodbury submitted a resolution, which lie over, instructing the committee on naval affairs.

The senate then adjourned.

DECEMBER 16. A message was received from the house of representatives, announcing that they had passed a bill making appropriation, in part for the support of the civil department of the government for the year 1842.

The bill having been read, was on motion of Mr. Evans referred to the committee on finance.

The president laid before the senate the annual report of the secretary of the senate with regard to the contingent fund.

Mr. Barrow introduced a bill to increase the compensation of the judge of the United States district court for the state of Louisiana; and a bill to provide for the payment of the balance due to the state of Louisiana, for raising and equipping a regiment of volunteer militia, mustered into the service of the United States, in the month of April, 1841.

Mr. Linn introduced a bill to authorize the adoption of measures for the occupation and settlement of the territory of Oregon, for extending certain portions of the laws of the United States over the same and for other purposes; and, on his motion, the bill was referred to the committee of five members to be appointed by the chair.

Mr. Smith, of Indiana, introduced a bill to confirm to the state of Indiana the lands selected by her in lieu of the lands ceded by the reservations under the treaties of 1837 and 1839, with the Miami Indians.

Mr. Linn introduced a bill to authorize the sale of the Selma and Tennessee rail road company.

Which bills were severally read a first and second time, and appropriately referred.

Mr. Barrow presented a communication from pursers in the navy, asking that their accounts may be settled by the directors of the secretary of the navy.

Mr. Evans moved that the report of the committee of the president and directors to finance, be referred to the committee on finance. In making this motion, he did not wish to be understood as wishing to embrace that part of the message relating to a fiscal agent, because, if that was desired, it could be referred to a select committee.

On motion of Mr. Barrow, so much of the message as relates to the judiciary, was referred to the committee on the judiciary.

On motion of Mr. Preston, so much of the message relating to military affairs, was referred to the committee on military affairs.

Mr. Linn gave notice that he would, to-morrow, introduce a bill to repeal the act for the distribution of the proceeds of the sales of the public lands and grant pre-emption rights.

Mr. Preston submitted the following resolution, which was read:

Resolved, That the secretary of the treasury be directed to communicate to the senate, with as little delay as possible, the plan of a fiscal agent of the government in connection with the president's message communicated at the commencement of the present session of congress.

The following resolution, submitted by Mr. Woodruff yesterday, was taken up and adopted:

Resolved, That the committee on naval affairs, by law, a number of officers in rank, of men, and of soldiers in commission, suitable for a peace establishment of the navy, and of regulating this establishment like that for the army, so as not to be changed, except under express provisions made by congress.

During the day, petitions and memorials were presented, and on motion of Mr. Young, it was

Resolved, That the committee on commerce be directed to make an expedition of making an appropriation for removing the obstructions in Rock river and the Des Moines rapids.

The senate then adjourned till Monday next.

HOUSE OF REPRESENTATIVES.

MONDAY, DEC. 13, continued. A message was received from the president of the United States transmitting a report from the secretary of state in answer to a resolution of the house of representatives of the 4th September last, requesting information touching the relations between the United States and the republic of Texas. Referred to the committee on foreign affairs.

Various letters from the secretaries of war and army and commissioners of public buildings with statements of various accounts, expenditures and contracts.

The speaker also appointed the following committee, additional to those enumerated on page 255.

Committee on expenditures in the state department—Messrs. John Van Buren, New York, Charles Hudson, Massachusetts, William M. Oliver, New York, John H. Brookway, Connecticut, William S. Hastings, Mass.

Committee on the expenditures of the treasury department—Messrs. A. Lawrence Foster, N. York, Samson Mason, Ohio, Samuel P. V. Y., Isaac D. Jones, Maryland, James Irwin, Penn.

Committee on expenditures in the navy department—Messrs. James J. McKay, New York, Thomas L. Tomlinson, New York, Peter Newhard, Penna., John H. Brookway, Conn., Archibald L. Lynn, New York.

Committee on expenditures in the post office department—Messrs. Joshua A. Lowell, Maine, Christopher Morgan, New York, William H. Washington, North Carolina, Linn Boyd, Kentucky, Henry S. Lane, Indiana.

Committee on expenditures on the public buildings—Messrs. Cave Johnson, Tennessee, Seth M. Gates, New York, Benjamin A. Bidlack, Pennsylvania, Samuel Stokely, Ohio, Jacob Houck, Jr., New York.

Numerous petitions were also presented, in relation to as many topics and appropriately disposed of. The house adjourned.

TUESDAY, DEC. 14. Messrs. McKen and Otter, representatives from the state of New York, appeared in the senate.

Petitions and memorials were called for in the order of the states and territories.

Mr. Lovell gave notice that he would, as soon as it should be in order to do so, ask leave to introduce a bill to provide for the payment of the claim of the state of Maine for the services of her militia in defending the northeastern frontier of the U. States in the year 1833.

Mr. Cushing gave notice that he would ask leave hereafter to bring in a bill for the relief of claimants for French spoils prior to 1850.

Mr. Adams (among a vast number of petitions) presented a petition from sundry citizens of Hamilton county, Ohio, praying the repeal of the 21st rule; which said rule is in the following words:

"No petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia, or any state or territory, or the slave trade between the territories or states of the United States in which it now exists, shall be received by this house, or entertained in any way whatever."

Mr. Adams moved that the petition be referred to a select committee of nine members, with instructions to report a resolution repealing the said rule, but afterwards modified his motion so as to simply refer the petition to a select committee of nine members; and asked the yeas and nays on that motion.

Mr. Merriether moved to lay the motion to refer to the table, and the question being taken, (Mr. Merriether's) motion was rejected, yeas 57, nays 92.

And the question recurring on the motion of Mr. Adams to refer the petition to a select committee.

Mr. Rhet moved a call of the house; which was ordered; and the roll being called, 183 members answered to their names. The names of the absentees were then called, and 193 members appeared to be present.

Mr. Calhoun moved that all further proceedings on the call be dispensed with.

The yeas and nays on that motion were called, and, being taken, were: yeas 90, nays 90—a tie. And the speaker voting in the affirmative, the vote stood yeas 91, nays 90.

So further proceedings on the call were dispensed with.

And the question recurring on the motion of Mr. Adams—Mr. Merriether rose and avowing his intention to debate the motion of reference, made by Mr. Adams.

The speaker decided that the petition would lie over one day.

Mr. Adams also presented a petition praying for the abolition of slavery in the District of Columbia, or, as the alternative, for the removal of the seat of government.

The speaker having decided that, under the rule, the first part of the petition could not be received—

Mr. Adams moved the reference of the alternative portion of the petition to the committee on the judiciary.

Mr. Barnard suggested a select committee, with no desire, he said, to be himself a member of it.

Mr. Merriether moved to lay the motion on the table.

Mr. Adams asked the yeas and nays; which were refused.

Mr. Adams asked for tellers; which were ordered.

The yeas and nays, being taken, stood: yeas 66, nays 47. [No quorum voting; but the motion to lay on the table was understood to be decided in the affirmative.]

Mr. Fillmore, on leave given, introduced a bill making appropriations for the present session of congress; and, after reading by its title, and referred to the committee of ways and means.]

Mr. Lewis, on leave, offered the following resolution, which was adopted:

Resolved, That the use of this hall be granted to the agricultural convention on to-morrow evening, the 15th inst., at 6 o'clock.

And then, the house adjourned.

WEDNESDAY, DEC. 15. The following members appeared in their seats.

From N. York—Mr. Henry Van Rensselaer. From Georgia—Mr. Roger L. Gamble. From S. Carolina—Mr. James Rogers. From Alabama—Mr. Reuben Chapman.

Mr. Randolph asked to be excused from service as a member of the committee on retrenchment, assigning as his reason for the motion the fact of his being a member of two other committees, which would impose upon him arduous and laborious duties. The motion being agreed to, Mr. R. was excused.

By general consent, Mr. Fillmore, from the committee of ways and means, reported the following resolution:

Resolved, That the committee of ways and means be authorized to employ a clerk for said committee.

The question on the adoption of the resolution was then taken and decided in the affirmative.

On leave, Mr. Fillmore, from the committee of ways and means, reported a bill making appropriations for the fiscal year of the department for the year 1842; which was read twice, and referred to the committee of the whole on the state of the union.

Mr. Fillmore said that this bill contained only provision in part for the expenses of the session; and, as there were no funds on hand in either house, he hoped the house would indulge him by going into committee now and passing it. The suggestion was received without a murmur, being acceded to, the house resolved itself into committee of the whole on the state of the union, (Mr. Pope, of Kentucky, in the chair.) The bill being read, and no amendment having been offered there to, the committee rose and reported the bill to the house; when by unanimous consent, it was read a third time, and passed.

Mr. Thompson gave notice that he would hereafter ask leave to introduce a bill entitled an act to repeal

the first seven sections of the act entitled an act to distribute the proceeds of the public lands and to grant pre-emption rights.

Mr. Cross gave notice that, as soon as by the rules of the house the opportunity is offered, he will ask leave to introduce a bill to establish a board of commissioners to hear and examine claims against the United States; a bill to increase the jurisdiction of the United States district court of the state of Arkansas and for other purposes; and a bill to authorize the legislature of the state of Arkansas to sell the lands heretofore appropriated for the use of schools in that state.

Various petitions were presented, in the order of the states, in relation to private claims, in improving harbors, among others Oak Orchard creek in Orleans county, New York; theistre de Grace in Maryland; and Atchafalaya in Louisiana; also petitions in relation to slavery, Hayti, removal of seat of government, hospitals on western waters, commerce in relation to silk, testimony relative to the Luddo treaty and other topics of various import.

Mr. Cushing, from the select committee on the plan of finance recommended by the president's message, introduced the following resolution, which was adopted:

Resolved, That the secretary of the treasury be required to communicate to the house the plan of finance recommended by the president in the course of the present session of congress.

And the house adjourned.

THURSDAY, DEC. 16. On motion of Mr. Fillmore, a committee on enrolled bills on the part of the house was ordered to be appointed.

Mr. Thompson, of Indiana, gave notice that he would to-morrow ask leave to introduce a bill to provide for the construction of the Cumberland road through the states of Ohio, Indiana and Illinois.

Petitions and memorials were then called for and submitted, among which were several resolutions offered by Mr. Levy, in relation to various improvements for Florida, and also to Florida lands, and relief of settlers, &c.

Mr. Fillmore offered the following resolutions:

1. *Resolved*, That so much of the annual message of the president, with the accompanying documents, communicated to this house on the 7th instant, as relates to subjects of controversy and negotiation between this government and Great Britain, and also so much thereof as relates to our relations with other foreign nations, be referred to the committee on foreign affairs.

2. *Resolved*, That so much thereof as relates to the suppression of the African slave trade, and so much thereof as relates to the removal of causes involving our international obligations from the state to the federal judiciary, and also so much thereof as relates to the regulation and restraint of executive power in removals from office, be referred to the committee on the judiciary.

3. *Resolved*, That so much thereof as relates to the civil service, and the appointment of representatives to the house, be referred to a select committee.

4. *Resolved*, That so much thereof as relates to the finances of the government be referred to the committee of ways and means.

5. *Resolved*, That so much thereof as relates to the tariff be referred to the committee on manufactures.

6. *Resolved*, That so much thereof as relates to the currency, exchanges and a fiscal agent, be referred to a select committee.

7. *Resolved*, That so much thereof as relates to the army, fortifications, and the Florida war be referred to the committee on military affairs.

8. *Resolved*, That so much thereof as relates to the navy and maritime defenses of the country be referred to the committee on naval affairs.

9. *Resolved*, That so much thereof as relates to the post office establishment be referred to the committee on the post office and post roads.

10. *Resolved*, That so much thereof as relates to the Smithsonian be referred to a select committee.

11. *Resolved*, That so much thereof as relates to the District of Columbia be referred to the committee on the District of Columbia.

Mr. Hitt desired to make an inquiry of the chairman of the committee of ways and means (Mr. Fillmore) as to the jurisdiction which that gentleman prescribed to the committee of ways and means and to the select committee on the subject of finance.—By the resolution raising the select committee the plan of finance recommended by the president was alone submitted. The inquiry he wished to make was, whether the select committee raised on this subject was confined to the plan submitted by the president alone?

Mr. Fillmore said he supposed that if there should be any conflict between the two committees they would necessarily have to refer the matter to the house for its decision.

His own question was then submitted, only referred to the committee of ways and means that part of the message which related to the condition of the finances, the receipts and expenditures.

Mr. H. C. Johnson suggested to Mr. Fillmore an amendment in the resolutions, providing that all such parts of the documents accompanying the message, as referred to the establishment of a national foundry, be referred to the select committee already raised on that subject. Mr. Fillmore said he had no objection.

Mr. Briggs hoped that the resolutions would be taken up regularly in their order.

Mr. J. A. Thorton called for the reading of the resolution which proposed to refer to the committee on manufactures so much of the message as related to the tariff, which having been read, Mr. Thorton said he supposed a tariff was to be laid for the purpose of revenue, and not for the purpose of protection; and he believed that this question had always come up in the first place on the disposition of this part of the message. Those who were willing to go for a tariff for protection, to lay "duties for the express purpose of protecting manufactures, and not for the purpose of revenue, had generally been in favor, so far as he understood, of referring that part of the message to the committee on manufactures; while those who supposed that a tariff was only to be laid for the purpose of revenue, had voted for a reference to the committee on ways and means.

He moved, therefore, to amend the resolution, by striking out the committee on manufactures, and inserting the committee on ways and means.

Mr. Everett submitted to the speaker, as a question of order, that the resolutions must be taken up in their order, and the question put upon them; the speaker said that the question would be taken on all the resolutions unless a division were called for.

Mr. Rhett called for a division on each resolution, which was ordered.

The question was then taken on the first resolution, which was adopted.

And the question was taken on the second resolution, which was adopted.

And the question being on the adoption of the fourth resolution, to wit:

4. Resolved, That so much thereof as relates to the finances of the government, be referred to the committee of ways and means.

Mr. Cushing moved to amend the resolution by striking out the words "so much as relates to the finances," and insert, "so much as relates to the state on the treasury and the ways and means."

After much discussion, upon ending the respective limits of the jurisdiction of the committees on ways and means, and the special committee on finance, and also upon the definite limits of the special committee and whether they were to be restricted rigidly to the plan of the president and his secretary, whereupon Mr. Everett suggested to Mr. Fillmore to insert in the resolutions, "and not for the plan of finance recommended by the president."

Mr. Fillmore said he would accept the modification. The question then being taken on the amendment offered by Mr. Cushing, it was taken and decided in the negative, without a division.

So the amendment was rejected.

The question recurring on the original resolution, as modified by Mr. Fillmore at the suggestion of Mr. Everett the resolution was adopted.

The fifth resolution was then read, and is as follows: 5. Resolved, That so much thereof as relates to the tariff be referred to the committee on manufactures.

Mr. Thorton moved to strike out the word "manufactures" and insert "protection." He said the chairman of the committee of ways and means intended to reserve to that committee only so much of the message as related to the receipts and expenditures of government. This also belonged to the committee of ways and means; but if so much of the tariff was to be referred to the committee on manufactures, it would be taking from the committee of ways and means their appropriate business, and countenancing the principle of protection to its fullest extent.

Mr. Mallory called the yeas and nays on the motion, which were ordered.

Mr. Tillingham called for the portion of the message which the gentleman from New York (Mr. Fillmore) intended to refer to the committee on manufactures belonged to them; and this would appear to the house from an examination of that part of the message.—He should prefer to have the resolution modified so as to read as follows:

"That so much thereof as relates to manufactures, and to a discrimination of duties with reference to considerations of domestic policy connected with our manufactures," he referred to the committee on manufactures."

The business of the committee of ways and means did not embrace the "discrimination" which was pointed to by the president in his message, and which they had got to dispose of by reference to some committee. The subjects to be referred to the committee of ways and means were expressed by the rule describing their duty.

[Mr. T. then read the rule defining the duty of the committee of ways and means, of which the following is the material extract: "To take into consideration all such reports of the treasury department, and all such propositions relative to revenue, as may be referred to them by the house; to inquire into the state of the public debt or the revenue, and of the expenditure, and report from time to time their opinion thereon; to examine into the state of the several public departments; and particularly into the laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report from time to time such provisions and arrangements as may be necessary to add to the economy of the departments and the accountability of their officers."]

It appeared from this rule that this subject did not belong to the committee of ways and means; and there was no committee in which this subject could properly be referred but the committee on manufactures. The committee on manufactures was appointed for the purpose of ascertaining, when it was decided that revenue was wanting, how it might be most conveniently, least injuriously, and most promptly raised, to that committee, and not to this country. He hoped the subject would not be withdrawn from the committee, to which it was proposed to be referred in the original resolution.

Mr. Wise was very glad that the gentleman from New Hampshire (Mr. Thorton) had made this motion; if he had not, he (Mr. W.) should have said it himself. He has been the first to question the question of reference—between the tariff and anti-tariff parties. Those heretofore in the history of the tariff question who had gone for protection *per se*, had gone for the reference to the committee on manufactures, and those who had gone for a tariff for revenue to support the treasury, had voted a reference to the committee on ways and means.

The gentleman from Rhode Island (Mr. Tillingham) had said there was a portion of this message which recommended protection to manufactures—a tariff of duties for protection—he said that the gentleman had alleged that the president had recommended protection. There was nothing in the message which suggested any such thing. He then quoted various passages from the message, showing, as he contended, that protection was not intended, but that reference was had to fiscal objects—to treasury objects alone—to revenue. The message recommended that the treasury should be protected from discriminating for the object of revenue; and within the line of revenue, gentlemen might ascribe to themselves the right of protection if they pleased.—Not one inch beyond a tariff of revenue did it go.—The question was, whether the principle should go beyond revenue, or a mere tariff. The gentleman proposed to make the incident govern the principle, and carry this whole subject to the committee on manufactures, to raise a tariff for the protection of manufactures.

Mr. Foster advocated the reference to the committee on manufactures.

Mr. Rhett should merely make a few observations. The speaker said that the gentleman from Georgia, (Mr. Foster), being a new member, had been indulged in a debate not in order, and suggested that the debate be confined to the strict question of reference?

Mr. Rhett said he did not understand the message as recommending protection. He would take the view to protection, but distinctly for revenue. He must confess the message did also intimate that discrimination might so be made as to protect manufactures. When a duty was made for the purpose of revenue, could it have protection? The only way in which a tariff of revenue could be benefited must be by having his manufactures consumed, instead of the foreign manufactures which would come in. That was the only way in which he could be benefited; and, in this point of view, how was it possible to combine a duty for revenue and protection?

He said that the interest commenced the other way. If the two objects were incompatible, and inconsistent with each other, as he contended, what did they propose by the imposition of duties? Unless duties were laid for the protection of the manufacturer, and for the destruction of commerce—unless that was the design of the house, duties must be intended for revenue; and why should the question of laying duties for revenue be referred to the committee on manufactures? The time had now come when this question must be settled; nine years it had been agitated on this floor. While they were about legislating on the first step, he urged them to be careful not to leave the subject to the committee on manufactures. If the house intended a duty for revenue, or incidentally for protection, the subject should go to the committee of ways and means. If the principal benefit was for protection, the subject should go to the committee on manufactures.

Mr. Fillmore said the first objection that had been made to the reference of this part of the message to the committee on manufactures was, that this committee had no specific duties assigned to it in the rule. He had some doubts whether it was in the history of that committee, for the purpose of seeing, he found it had no specific duties assigned to it by the rule, what duties had been assigned to it by the use of this house. He found that this committee was raised in 1819, and that, as often as the general question of manufactures had been brought up, it had been invariably referred to that committee. (He then went into an historical account of the existence of the committee, in connexion with the various bills since its origin, showing that the question of tariff had uniformly been referred to this committee.) He had no doubt that the committee on manufactures was unconstitutional. It was strange that a committee which was unconstitutional had been existence, and charged with important duties, for years, and nobody had before discovered its unconstitutionality. Was it of the least importance that what committee a bill came? If the house saw fit to be subject to the committee of ways and means, he, for one, was willing to devote all the time possible to this subject. He was willing the house should do as they saw fit. [A modification of the solution had been presented to him, which he was about accepting, when, at the request of Mr. Briggs, he was obliged to do so, leaving the resolution in its original form.]

Mr. Briggs said that the appropriate duty of committee of ways and means was prescribed; there were no duties particularly laid down for the committee on manufactures; but every body knew it was selected for the purpose of ascertaining, as far as possible, the greatest amount of information on the great subject of manufactures, and the tariff of duties for protection. There was no such proportion in the message, and consequently none but this house. The president of the United States told them that, in imposing duties for revenue, government has a right to discriminate so as to protect the manufactures of the country. If a discrimination were to be made, they wanted to know by what branch of industry most needed it, so as to discriminate wisely and judiciously. And whence would they get this information? From the committee of ways and means, who are supposed to have no particular knowledge on this subject, or from the committee on manufactures, who are supposed to have no answer to this very subject? This question need no answering; the formation of the committee answered it at once.

The gentleman from Georgia, (Mr. Foster) asked why the object of former bills had not been approved by the committee on manufactures? He (Mr. B.) would say, if that had been the object they had a high and noble example for it. The conduct passed by the American congress was of this purpose—and passed by those who knew its duty, and did not hesitate to do it.

Mr. Medier referred to the remarks that had been made by his colleague (Mr. Foster) as to the unconstitutionality of the committee on manufactures. This had been spoken lightly of, but he would thank gentlemen to put their finger on the clew of the constitution which authorized the appointment of this committee. He would ask the gentleman from Georgia, whether he would not say that he was in committing this whole question to the chair of a committee who had supervision of one thing alone? He (Mr. M.) advocated its reference to the committee on ways and means who had supervision of the whole subject, and understood it properly. He agreed with the gentleman from Virginia (Mr. Smith) that the committee on revenue be benefited.

Mr. Smith, of Virginia, went into an historical examination of the existence of several committees showing that, before the committee on manufactures its duties had been performed by the committee on commerce, together with the present duties of commerce. When the spirit of protection began to manifest itself, the committee on manufactures was made; and now the question was, whether the committee on manufactures, for the purpose of protection, should be recognised as in the power of congress. If the power of protection were unconstitutional, then the committee on manufactures would be.

The question then was, whether this house were to look to a tariff only for revenue, or for protection? If for revenue, what was there for the committee on manufactures? Its powers could be embraced, as formerly, under the committees of commerce and ways and means, and the committee was altered. He would suggest, however, the propriety of laying on the table this resolution, in the remaining parts of the message might be referred, and he would then offer a resolution, on which the question might be raised. The question now

settled by this congress whether, under the constitution, they were to protect domestic industry, or whether they were to look to the tariff as a means of revenue. He moved for the resolution on the table, with a view to offer a resolution abolishing the committee on manufactures, and giving hereafter to the committee on commerce the power over commerce and manufactures.

Mr. Wise said he hoped his colleague would withdraw the motion, for it would lead to no practical good.

The speaker said it would require a vote of two-thirds to bring the resolution before the house, if objection were made to it.

Mr. Smith then withdrew the motion.

Mr. Proffit thought it was very anomalous, except as a principle, to have a committee on manufactures, and a committee on manufactures or ways and means, for their composition was but little different. From principle, it ought to go to the committee on ways and means. At the last session of congress, the question of the tariff, by a unanimous vote of that (the whig) party, was referred to the committee of ways and means; and now it was said to be improper to refer it to the committee of ways and means. In looking on the composition of the committee on manufactures, he was compelled, in self-defense, to vote against its reference to them. There was not a solitary member on it from the west of the Ohio river. The committee of ways and means there would be one or two to protect the interests of the west in this matter. His views coincided with those of the gentleman from Virginia on this matter. He did not believe it was intended by the president to communicate a tariff for protection, but that he would find on the table of a tariff for revenue, and that alone. The reference ought to be made to the committee of ways and means.

Mr. F. W. Ivin (in reply to the declaration of Mr. Proffit) said there was a member of the committee of ways and means from northwest of the Ohio. He did not intend to debate this question, although, when proper, it could be shown that every president of the United States, in some form or other, had advocated the doctrine of protecting domestic industry. The message of the present president said, that while we ought to confine the duties imposed by the government to the purpose of revenue, and whilst it is advisable to use moderate counsels on this subject the manufacturing interests might seek within this provision protection. The early presidents and congresses went further than the mere doctrine of protection; they went for encouragement as well as protection of domestic manufactures.

[Mr. I then cited from the history of their legislation some instances in support of this ground, particularly referring to the second bill passed by congress, which contained this principle, and was passed by 41 yeas, to 8 nays, among the yeas being the name of James Mansons. He also briefly noticed the history of the committee on manufactures.

But now had a party sprung up, and been recognised not only in South Carolina, but had spread its ramifications into other sections of the union, that not only condemned the protective system, direct and incidental, but went on to a discrimination of duties within a tariff of revenue, for the protection of domestic manufactures. They went further, and desired by discriminating against them, to break down the industry of this country; and they had now within that party a member from Georgia, a whig no sorer from whom he was much surprised to hear such sentiments as he had to-day uttered, which were in violation of the pledges given by the great Harrison party; made by their chief, who openly and above board declared himself in favor of the compromise act; but within that, for all the protection that could be afforded, for the protection of the southern whig to fulfil that pledge. The domestic industry of this country must and would be protected.

He called on the democratic party of Pennsylvania to say whether they were prepared to avow this doctrine—for the first time published in the Globe—discriminating against manufacturing industry. To what committee, he asked, should this part of the message go? Let it be admitted that they might incidentally discriminate, for the purpose of affording all the protection they could within the compromise act, and where was the subject to go if not to the committee on manufactures?

The speaker gave the floor to—

Mr. Jones, of Virginia, who yielded to a motion that the house adjourn.

And then the house adjourned.

FRIDAY, DEC. 17. On motion of Mr. Ward, it was resolved that when this house adjourns, it adjourn to meet on Monday next.

The unfinished business of yesterday was the resolution offered by Mr. Fillmore:

Resolved, That so much thereof, [i. e. of the president's message], as is referred to the tariff be referred to the committee on manufactures.

Which resolution Mr. Atherton had moved to amend by striking out the words, "committee on manufactures," and inserting the words "committee of ways and means."

And the pending question was on the amendment.

Mr. Jones, of Virginia, who was entitled to the floor, addressed the house at some length in favor of the amendment, and Mr. J. then examined into the duties of the committee of ways and means, as prescribed by the rules—contending that the bare enumeration of duties was not at all a sufficient glance, that the whole subject of revenue and of finance was intended to be committed to their charge.

If this were a proposition to lay a tariff for protection, he was not prepared to say that its direction to the committee on manufactures would not be the proper one. But if any gentleman of this house ask the imposition of duties for the purpose of protecting domestic manufactures? The idea was disclaimed on all hands. Was such the recommendation of the president of the United States? He, (Mr. J.) had only to appeal to the history of the past political life of the president to find the most ample refutation of such a position. Was that a fair construction to be placed upon the communication of the president?

By examination, they would be able to see the inducements which operated on the mind of the president to bring this subject before the house. The president was giving information to congress. (It was his duty to do,) in relation to the condition of the treasury. He was going on to show the resources of the government for the year, and to show its liabilities for the same period. In this connexion it was that the subject of the tariff had been introduced by the president; and Mr. J. would call the attention of congress to the particular branch of the subject.

Mr. J. commented upon the expenditures unfavorably to the administration, &c. read from the message the statement of receipts and expenditures, for the purpose of repelling the inference that the object of the president in his communication was the protection of manufactures. The president, he said, never throughout these points of the message, lost sight of the word revenue, thus clearly showing the object to be to impose duties for the purpose of revenue alone.

Mr. J. did not very clearly understand what was intended by the president in that part of the message in which he said: "So also the government may be enabled to determine the expediency of such considerations of domestic policy connected with our manufactures." If the president meant to assert the opinion that congress possessed the constitutional power to lay discriminating duties with a view to protect domestic manufactures, then he differed with the president, and the result of the debate would be his sound and inconvertible, that at the precise point where complete protection commenced, revenue ceased. The very object for which protecting duties were imposed, was to exclude from the country the commodities on which the duties were laid, and on which revenue depended; while duties laid for revenue alone. The effect of the one was to promote commerce, to raise revenue to replenish the treasury. The effect of the other was certainly to cripple, if not to destroy, both the commerce and revenue of the country.

But if, on the other hand, the president meant to advance the opinion that incidental protection to domestic manufactures might result from the laying of duties, laid really for the purpose of revenue, then the question was presented in wholly a different point of view, and in one certainly less objectionable. In no view that he, (Mr. J.) had been able to take of this subject, had he been able to perceive any sufficient reason why it should be taken from the committee of ways and means.

Mr. Hunt, remarked that, from the commencement of this debate, he had deprecated it, because it seemed to him that the gentlemen were unnecessarily anticipating a subject which must, sooner or later, come up for the action of the house at the present session.

He was a member of the committee on manufactures, and were he to consult merely his own ease, he would be desirous that this subject should be referred to the committee of ways and means. But, from the course which this debate had taken, and but unadvisedly, the gentlemen were desirous of drawing out on this floor an expression of opinion as to the fact whether there was any constitutional power or right in this house or this government to protect the labor—yes, the free and the slave labor—of this country, as contradistinguished against the paper labor of Europe. If there was any motive or object

in the debate which had sprung up, it was to elicit an expression of opinion on this point.

He had had no idea of entering into the argument, and he should not have done so but that some observations had been made by the gentleman from Virginia, (Mr. Davis,) which he could not suffer to pass without a remark. He had respected the tariff, year after year, made the declaration here, that so far as regarded himself—and he spoke the sentiments of a constituency partly agricultural, partly commercial, and partly manufacturing, and one of the most wealthy and opulent in his state—there was no disposition to drive the tariff out of the tariff, to any extent that any patriotic gentleman from the south would not assent to, to an extent offensive to enlightened and patriotic gentlemen from the south acting under the compromise act. His principal object in rising had been to ask gentlemen on all sides of the house, tariff or anti-tariff, whether coming from the north or the south of Mason and Dixon's line, to put aside from their contemplations the charm of protection on the one hand, and revenue on the other, and to come up like sensible and patriotic men, like the means, to the question of the protection of American industry, from the tariff of the north or the south of Mason and Dixon's line, against the legislation, the orders in council, and the restrictive regulations of foreign countries. That was what he asked. He asked gentlemen to do this with a spirit of compromise of patriotism—as American citizens, without reference to geographical divisions.

As to what might be the specific meaning of the president of the United States in that portion of his message which related to this subject, he should at the time he was speaking have been more respectful and decorum due to his station, and as an independent legislator here, he would never consent to look to the white house, nor to reports of Mr. Hume, nor to any other quarter, for lights to influence him on the question of protecting American industry from foreign restrictions and regulations.—He would never consent to take the president's recommendation as a rule of action by which his own conduct or vote was to be governed. If things were to come to that, better would it be to abolish this as well as the other house of congress. Mr. H. addressed briefly to the complexion of the two committees, and then concluded his remarks. The final action of the house, the result would be the same whether the report came from the one committee or the other.

The manufacturers, like all other classes of men, were selfish—to more so than merchants, or planters, or agriculturists, or mechanics, or sailors, or any other class of men. But they were essentially selfish. Their interest required them to be so. As such, and looking to them merely as manufacturers, he owed this class of men nothing, either as a legislator or as an American citizen. But when gentlemen looked at that class of men as connected with the agriculture, and commercial interests, and with government in all its departments, could they as politicians or as patriots, looking to the United States and to the protection of the commerce, the agriculture, and the labor of our own country, say that this great class of men were to be neglected? And not only so, but that discriminating duties or in other words discriminating legislation against them, was to be adopted by an American congress?

Mr. H. expressed the hope that this portion of the message might go to the committee on manufactures, that having heretofore been the usual course of reference.

Mr. Randolph, being one of the committee on manufactures, and representing a people largely interested in the subject, rejoiced that the debate had sprung up thus early in the session. It would arouse the country to the importance of the subject, and awake from their fatal slumbers the numerous class of citizens who were sleeping, and who, if they had been slumbering on the very brink of destruction, as if all were safe or all was lost.

Mr. R. was also happy that this debate had not assumed a political cast. The south, of all parties, had come out against the manufacturers; and he thought it ought to show to the north, the middle, and the west, that they should bury party distinctions and unite upon an opposite course. He called on the iron-handed democracy of Pennsylvania, as well as their political associates in other portions of the union, to go with him in sustaining the interests of their own country. He called on the north, the middle, and the west, that they should bury party distinctions and unite upon an opposite course. This was one. It rode and should ride triumphantly above all such distinctions. And if the question now before us is to be a test, as alleged by the gentleman from Virginia, (Mr. Wise,) of the north and the south, he would say that the north and the south had no occasion for making it a test: the subject had always been re-

ferred to the committee on manufactures, and there it should go. But if it be a test—of what is it? We are ready to meet it, and the test question is between a horizontal ad valorem tariff and one of discrimination. Between these two systems was the test, and on this question he understood the president as going with the north. He says: "So also the government may be justified in so discriminating, by reference to other considerations of domestic policy connected with the tariff, as to give a preference to duties which are laid with distinct reference to the wants of the treasury, no well founded objections can exist against them." He adds: "It might be esteemed desirable" not to affect the land bill. Thus he does not even limit the discrimination to 20 per cent.

Mr. R. said he was aware that a certain newspaper, claiming to be the organ of the president, had put a different construction on the message; he supposed, however, that the country must look to the message itself, rather than to the organ, for the precise meaning. Besides there were some persons, *as rumor said*, who had been *deputed* to say that the president, in the message means not what Mr. R. and others contended it did. Were any so authorised? No answer. Then there are none. The language of the president must be taken as broad as it stands, and his acts conform accordingly. The gentleman from South Carolina (Mr. *Rieth*) had said that the tariff was not a revenue duty. That was inconsistent, and the gentleman from Virginia (Mr. *Jones*) had this morning dwelt on the same point. Mr. R. thought, with deference to those gentlemen, a greater fallacy was never uttered. It arose from not distinguishing between a duty that was prohibitory and one that was not. The duty of three cents a pound on cotton was prohibitory. It was not on wine, and on iron, wool, &c. it was a revenue duty, whilst the duty on iron, wool, &c. &c. not being so high as to be prohibitory, operated both for revenue and for protection. The increase of the duty increases the revenue, though, by decreasing the importation and enhancing the price, it at the same time creates or increases the protection. The gentleman from Georgia (Mr. *Merritt*) had alluded to what he *explored* the idea of a protective tariff. Explained. When the bill was introduced by Mr. R. the first petition on record, and the second statute passed under the constitution, were for protection; and from the period that act was passed to the present, through all the phases of party, every congress had, in some shape or other, recognised the doctrine of protection. Other gentlemen had bated the idea that it was a committee on manufactures. The gentleman from Virginia (Mr. *Smith*) had offered a resolution to expunge it. Mr. R. regretted that he had withdrawn the resolution,

The country would like much to have seen the vote on it; they would like to have known who were for and who were against. But the friends of the tariff, by thrusting from congress the large class of citizens interested in manufactures. Another gentleman had said that the tariff would be introduced into the house. If so, it had been here for more than twenty years, and has carried many a goodly burden. He believed almost every tariff bill had been presented under that rule. But (Mr. R. said) he did not intend to go further into the debate. This was the time to discuss the principles of a tariff. He would confine himself to the question of merely assigning his reasons why this portion of the manifesto should be referred to the committee on manufactures. In the first place, the rule and the committee were created for the express purpose; this was the committee to whom the subject had usually been referred. It was not a committee which had had such a multiplicity of business before them that they could not possibly give this subject the attention which it required. And, lastly, this was the appropriate committee, because the only question was, how you shall discriminate; and as any discrimination would be in favor of or injury to manufactures, of course the committee on that subject should have cognizance of it.

Mr. J. R. Caldwell said he would show, first, that the committee on manufactures had a valid existence. It had been contended here that it had not, or ought not to have. This argument could not exist were it not that a particular duty was not assigned to it. If a judicial eye should pass over the parts of the message that the president had sent, it would see that the intention of the president was to increase the duties on the protection of increased duties, of an augmentation of duties, with the protection of domestic manufactures. It was not to be overlooked that the legal adviser of the president on this point was a citizen of Pennsylvania, a state where the doctrine was perfectly settled, that the president had a right of reconciliation may exist. Let the president's own law be the law. It is axiomatic. There could be no doubt of the intention of the president. He apprehended the president was entirely right in his idea of the possibility of a

reconciliation between these two things, that gentlemen had deemed inconsistent.

Whenever a change was made in the revenue policy of the country, there was not an instantaneous, magical change from one state of things to another; but there was a transition state. So with manufactures: when, ever, with moderation and judgment, the duty on an article was increased, the interest of the manufacturer was benefited. The manufacturer, by increasing the duty, was bringing into use the resources of the country. How would it be with foreign articles? He then referred to various articles, which, a few years since, it was thought, must be imported; our manufacture of which had now arrived to such a degree of perfection that the American articles are preferred.

over the English. There was, therefore, whenever an increase of duties took place, a great abundance thrown on the American market by the foreign capitalist, which at once pays the amount of increased revenue, cheapens the article in our market, and enables the manufacturer of our own country—the home manufacturer—to see in the rainbow of hope a promise of the future excellence and advantage of his articles that foreign manufactures cannot surpass. The two things, therefore, were perfectly reconcilable.

They had then told, in the course of the present debate, that there was nothing found in the constitution of the United States relating to manufactures. Press the argument home, and the constitution would then not only not be a source of authority, but would extend no power, but to the committee of ways and means the principal part of their duties also. Two or three gentlemen had referred to the earliest tariff; it was important to press the facts connected therewith on the house, inasmuch as it had not only been the first tariff, but the only one that was framed by the same individuals that had just framed the constitution of the United States, and was found in the statute in immediate juxtaposition with the law which went before it, requiring of the officers of the revenue, and the states circumstances, that they should take oaths to support the constitution; and immediately came the preamble to the tariff of duties referred to, which were levied for the support of the government; to pay the debts of the government; thirdly for the encouragement and protection of manufactures under the existing circumstances. The speaker then considered of the present day, and entitled to the respect of posterity.

Mr. *Stanhild*, had he not known this house at well as he did, he should have been surprised at the range of debate taken on the mere question of reference. But he understood the object. They had seen the enemies of the whig party—and he welcomed them to their seats of honor. He had seen a gentleman from New Hampshire, (Mr. *Wharton*), who with a zeal—a hasty zeal—for which he as a southern man did not thank him, was endeavoring to protect the south; and really the discussion had been quite amusing. He had been amused to see a gentleman, apparently a gentleman, taken sides in this matter. There was the gentleman from New Hampshire, (Mr. *Frein*), who yesterday made one of the most ingenious, non-committal speeches, for a protective man, he had ever heard. He had said the message recommended a protective tariff, and did not recommend it; while another southern gentleman disclaimed the message, and encouraged domestic manufactures. It was not for him to take sides in this dispute between the two parties; he would let them discuss it among themselves. He thought it a little unkind for the gentleman from Pennsylvania to note with such emphasis that a southern whig, from Georgia, had been among the first in attacking a protective tariff. He thought that his own countrymen were taking the lead in opposing the whigs in opposing a protective tariff.

The gentleman from Georgia had said that the committee on manufactures had no duties by the rules of this house. [Mr. S. here referred to the journal of the house, showing that in 1795 a committee appointed for that purpose had reported to the house the necessity of the committee on commerce, and among others, and that this committee was expressly charged with the duty of reporting on manufactures; and that in 1796 the committee on manufactures was separated, and the committee on manufactures appointed.) It was no new thing. The framers of the constitution in 1795 established the committee on manufactures. And who now proposed to knock it away? A southern whig? No; one Mr. Smith, who never claimed that title, and did not want it, from a district of Virginia, near this place. Let that fact go to the people of Pittsburgh. The gentleman from Pennsylvania had called on the southern whigs to come up and stand by their standard. The Mr. Smith did not do so, and they were in Pittsburgh, the southern whigs in his district, and some of their own, and he should like to call the

gentleman from Pennsylvania to come and stand by his side in rejecting abolition petitions, the next time they came up. Let him come and help us.

But the gentleman from Virginia (*Mr. Jones*), the ex-cancellor of the exchequer of this house, had made one of those mild, gentle speeches here; who, with all his ability, one of the most plausible insinuating gentlemen, sometimes put a deceptive statement—he would not say intentionally—before the public. He said that the gentleman from Virginia—*he* the locofocoism, he (*Mr. S.*) took pleasure in calling him a friend, and he was as much so, he was willing to admit, as a locofoco could be. He (*Mr. Jones*) commences an attack on this administration, and taunts us by saying that we had promised to reduce the public debt to one million dollars. Behold how soon a plait tale shall put him to the blush. The gentleman had said that the expenses of government this year for the first three quarters amounted to \$24,734,546. Why could not the gentleman state that from the 1st of January to the 31st of March, 1847, the public debt had increased \$20,757,156, to which added the \$24,734,546, left a balance of \$45,491,702 for the last quarter of this year, it amounted to \$7,937,904. In the first place, he asked the gentleman from Virginia to compare this with the thirty-nine millions expended during Van Buren's administration. How did this thirty-nine millions compare with the thirty-nine millions expended during the administration of the venerable gentleman from Massachusetts, (*Mr. Adams*)? Did he come into power with his friends professing retrenchment and reform, and stay in power twelve years? Did it come in with the friends of the locofocoism, and stay in power twelve years, controlling this house and the nation with an insatiable thirst for money? Did he not know that it was to taunt us—not having been in power one short year—and with misunderstanding enough and trouble among ourselves, so that we hardly know where we are—to taunt us with increasing the expenditure of the government, and the appropriations which he (*Mr. J.*) and his party have made in this twenty-seven millions come up? Who appropriated the money? Did these appropriations come from us at the extra session of congress—from any increase of the money? No; that was done under Van Buren. It is the venerable friend, formerly at the head of the committee on appropriations, who has made them some account of this. These appropriations outstanding on the 4th of March last were more than thirty-one millions of dollars, and were the work of the last congress and the last administration, when to taunt us these appropriations showing so large an increase.

During the last session (continued Mr. S.) of last congress, when the reign of Van Buren ceased, Mr. Woodbury makes his estimates, and tells us we must not exceed them; and yet, before the session is out, the chairman of the committee of ways and means admits that they were exceeded by nearly two millions of dollars. Was there in those estimates of Mr. Woodbury's any estimate for the Florida war?

[Mr. S. then read from document No. 70, 26th congress 2d session, a letter from the secretary of war to Mr. J. W. Jones, chairman of the committee of ways and means, in which, speaking of the arrearages due to the Florida troops, he says: "This pay is now due;" and with this letter of December 17, 1840, a statement received from the paymaster general's office, November 13, 1840, of dues to the Florida troops, amounting to \$250,690 10.]

Mr. Woodbury, in submitting his annual estimates, kept out of view not only the money wanted, but debts due; among others, this debt of \$250,000, and thus the whig party must be saddled with charges which the Van Buren administration made! Was it fair, or generous for the gentleman from Virginia to say that the country in its distress, to take away the twelve million of dollars public debt, we should be able to reduce the expenditures some ten or twelve million dollars. These appropriations, therefore, were to pay the debt created by the last administration, and not by the whig congress, or since the whig party had been in power. He (Mr. S.) requested the gentleman from Virginia, therefore, to postpone his censure until there was a fair trial, not let the whig party wouid do; he trusted they would let the country know the truth. They could not, let them be scouted out of power and sink as they trusted they (the late administration) had, in public indignation.

Mr. Stale obtained the floor, and moved that the house adjourn, and the house adjourned to Monday, at 12 o'clock.

NILES' NATIONAL REGISTER.

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江 The amount of imports and exports, as estimated by the secretary of the treasury, for the past year, will be found on page 250.

CONGRESS.

In the senate on Tuesday, the bill to postpone the operation of the bankrupt law, having its second reading, Mr. Berrien moved that it be referred to the committee on the judiciary, on which some debating ensued, in which Messrs. Benton, Berrien, Calhoun, Mangum, Clay, Buchanan, Henderson, Huntington, and Tallmadge partook. The question being taken was decided as follows:

YEAS.—Messrs. Bates, Berrien, Clay, of Kentucky, Clayton, Evans, Graham, Henderson, Huntington, Morehead, Porter, Simmons, Southard, Tallmadge, Williams, Woodbridge—15

NAYS.—Messrs. Allen, Archer, Babby, Benton, Buchanan, Calhoun, Fulton, King, Linn, M. Roberts, Mangum, Monroe, Pierce, Poinsett, Preston, Rives, Sevier, Smith, of Connecticut, Smith, of Indiana, Sturgess, Tappan, Walker, Woodbury, Wright, Young—25.

So the motion for reference was negative.

AMENDMENTS PROPOSED TO THE CONSTITUTION.

On Wednesday Mr. Clay introduced three resolutions, which having had a first and second reading, were on his motion made the special order for Wednesday the 12th January. They propose to amend the Constitution, the first, by prohibiting a senator or representative from being appointed to any civil office under the U. S. government during the term or fraction of the term for which he was elected; the second, by rendering the veto in-operative in case a majority of both houses shall again pass a bill after reconsideration of its objections; and the third, by electing *vice* *vice*, by a joint vote of the senate and house, the secretary of treasury and the treasurer of the United States, who are also to be removable only by the concurrent vote of the two houses.

THE EXCHEQUER BILL. On the same day Mr. Preston, called the attention of the senate to the report of the secretary of the treasury, giving the plan for the establishment of currency. He was of opinion that something must be done, but there were certain portions of the plan which staggered him a good deal. He concluded by moving that the report of the secretary on the subject of an exchequer board be taken up for consideration. Mr. Tallmadge moved that it be referred to a select committee of nine and being indisposed accompanied his motion with but few remarks. Mr. Buchanan arose and expressed his opposition to the plan of the secretary and could regard it only as a great government bank. Mr. Calhoun briefly expressed some of the reasons that would induce him to oppose the motion to commit, and concurred in the objections of Mr. Buchanan. Mr. Rives replied to the arguments of both; he did not consider it a government bank, appealed to them not to make up their minds in opposition until the bill had been modified in committee, and regretted that they had resolved on opposition, before they knew the shape the proposed measure would assume. Mr. Mangum having then obtained the floor, yielded to a motion for adjournment, and on Thursday delivered his speech in opposition.

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FOREIGN ARTICLES.

AMERICAN MINISTERS. His excellency, Edward Everett, envoy extraordinary and minister plenipotentiary of the United States, arrived in London on Thursday evening, November 18th, and had an interview with the earl of Aberdeen at the foreign office by appointment.

Mr. Everett left London for Paris on the 25th, for the purpose of rejoining his family on their way to London.

Col. Todd, our minister to Russia, arrived at St. Petersburg on the 10th of November.

The *Illustrator*, seventy-four, having on board sir Charles Bagot, the governor general of Canada, sailed on Tuesday the 16th, put into Falmouth on the 20th and sailed again on the 24th of November.

STEAM NAVIGATION TO INDIA. At the first annual meeting of the proprietors of the Peninsular and Oriental Steam navigation company, which was held at London, it was stated, as not altogether improbable, that in a short period a more frequent communication than a monthly one might be established, in which case the grant of £100,000 made to this company by the East India company would probably merge into a contract for the mail service. The opening of a transit by Mehemet Ali for merchandise to and from India, &c. through Egypt, was announced, and the thanks to the pasha was carried with acclamation.

The ceremonial of the baptism of the young prince, will, it is rumored, not take place until the month of February next.

Sir Francis Chantrey, the most celebrated English sculptor, died of an apoplectic fit on the 25th of November. This great artist was considered, during his life time, second only to Thorwaldsen in the Danes. The French chamber of deputies was convoked by royal ordinance for the 27th of December.

The steam frigate *Kamschatka*, which was built at New York for the Russian government, arrived at Cronstadt on the night of the 10th November, in perfect order. It is said that the emperor and empress had intended to make an experimental trip in the *Kamschatka*, in order to compare her powers with those of the *Bojotta*, considered the finest war steam vessel in the Russian navy, but on the 12th the *Neva* was closed by ice, and the navigation for the season being ended, the *Kamschatka* was hauled into dock, and those of the crew who wished to return home were enabled to get out of port.

The earl of Elgin, well known for his depredations in Greece upon the remains of ancient architecture, formerly British ambassador at Constantinople, and one of the representative peers of Scotland, died in the early part of November.

The American minister at the Hague is exerting himself to arrange the case of the American captain (Hatch) who was the cause of the death of a sailor at Rotterdam.

On the 31st of October, the three hundredth anniversary of the festival of the reformation was celebrated at Wittenburg. In the evening a number of the most respectable persons in the town formed themselves into a procession, and walked to the statue of the great reformer, Martin Luther, where they sang a hymn.

NATIONAL AFFAIRS.

The hon. Daniel Jenifer, minister plenipotentiary to Vienna, Thomas H. Morris, sec. secretary of legation, and Mr. James C. Jenifer, attaché, took passage in the packet ship *Westminister*, which sailed from New York for London on Monday, 20th December.

CONSULS. The president of the United States has officially (Dec. 22), recognised Stevenson Forbes as consul for Netherlands for the state of Alabama and the territory of Florida, to reside at Mobile; and (also Dec. 25th), J. G. Lyz as consul of Switzerland for Pennsylvania, New York and Delaware, to reside at Philadelphia.

Charles James Hunt is officially recognised by the president as vice consul for Sweden and Norway to

reside at Boston for the states of Massachusetts and N. Hampshire.

AGRICULTURAL SOCIETY OF THE UNITED STATES. A meeting of the friends of agriculture from the different sections of the United States was held, pursuant to public notice, in the hall of the house of representatives, on the 15th of December, 1841.

After organizing with the appointment of the hon. James M. Garnett, of Virginia, as president, they adopted a constitution, resolved to petition congress to set apart the Smithsonian bequest to carry out the objects of the society, and to appoint a committee, who selected the following officers, to serve until the first general meeting, and exhibition on the 4th May next.

President.—JAMES M. GARNETT.
Corresponding secretary.—John S. Skinner.
Recording secretary.—John F. Callan.

Treasurer.—Edward Dyer.
Board of council.—Levi Woodbury, Elisha Whitelsey, Alexander Hunter, John A. Smith, W. J. Stone.

Vice presidents.—Maine, George Evans; N. Hampshire, Isaac Hill; Massachusetts, B. F. French; Connecticut, Eli Ives; R. Island, Gov. Fenner; Vermont, William Jarvis; New York, C. H. Bennett; N. Jersey, C. S. Greene; Pennsylvania, Mr. M. Klein; Delaware, J. W. Thompson; Maryland, Thos. Emory; Virginia, Edmund Ruffin; N. Carolina, Edmund Deberry; S. Carolina, Wade Hampton; Georgia, W. Lumpkin; Alabama, Dixon H. Lewis; Louisiana, Alexander Mouton; Arkansas, Archibald Velt; Tennessee, F. H. Gordon; Mississippi, M. W. Phillips; Kentucky, Clifton Allen; Missouri, Lewis F. Linn; Illinois, A. W. Snyder; Indiana, Solon Robinson; Michigan, Isaac E. Crary; Ohio, John Hastings; District of Columbia, H. L. Ellisworth; Florida, R. W. Williams; Iowa, Timothy Davis; Wisconsin, Henry Dodge.

The vice presidents of Virginia, Maryland, District of Columbia, Pennsylvania and Delaware are ex-officio members of the board of council.

THE NATIONAL INSTITUTE for the promotion of science, formed about a year and half ago, held a meeting at Washington on the 13th December. Their proceedings were interesting and cheering. Colonel P. Force presided and previous to adjournment, it was determined to request the hon. J. Q. Adams to deliver for them the next anniversary discourse.

THE ARMY.

Resignations. By Lt major James A. Ashby, 2d dragons, 15th Dec. 1841.

1st lieutenant, Fayette Robinson, 1st dragons, 31 Dec. 1841.

2d lieutenant, Joseph B. Boyd, 3d artillery, 31 Dec. 1841.

[Army and Navy Chron.

THE NAVY.

THE HOME SQUADRON will probably leave port in a few weeks, but its sailing has been so long delayed, as we understand, partly in consequence of the scarcity of seamen, but more from the heavy character of the work required to be done on the steamers, two of which are attached to the force to be employed on this service. The squadron will consist of The Independence, razee, capt. Gallagher. The Columbia, frigate, capt. Farley. The Missouri, steamer, capt. Newton.

The Mississippi, do. capt. Salter.

The Vandellia, sloop of war, commander Ramsay.

The Falmouth, do. com. McIntosh.

The Grampus, schooner, lieutenant com. Van Bunt.

The Dolphin, do. lieutenant com. McKean.

These vessels are fitting at different navy yards, and will probably rendezvous at some given point, when arrangements will be made for their future operations.

[Nat. Int.

The steam frigate *Mississippi* (lately launched at the Philadelphia building yard) arrived in the harbor of Newcastle, from Philadelphia, on Christmas eve.

The U. S. ship *Macdonian*, Com. Wilkison, bound to the West Indies, sailed from Hampton Roads yesterday. She was passed off Willoughby's

Point light boat last evening, by the steamboat Pocahontas.

At a marine general court martial, held at the marine barracks, commencing on the 23d November, 1841, first lieutenant George F. Lindsay was tried upon charges furnished by lieutenant A. G. Gordon, of the U. S. navy, and found not guilty. The finding was approved by the proper authority on the 10th December.

EXPLORED EXPEDITION. The Perceke, captain Hudson, was expected to arrive at Fort George about July 1; the Vincennes, captain Wilkes, expected to arrive at the same place July 15; and the Porpoise August 1.

All these vessels were at the northward in pursuance of the objects of the expedition; they had previously been at Fort George, at the mouth of Columbia river, where every attention was paid them by the governor and officers of the Hudson Bay company.

From Fort George it was believed the squadron would sail for Singapore, and from thence home. The above information is from an officer belonging to the squadron, who remained at Fort George while the vessels were north, waiting for their return. The latest information direct from the squadron left all well.

[C. F. American.]

U. S. brig Consort put into Holmes's Hole on the 31st, on her way from Norfolk to Portland. She is commanded by Lieut. Lewis.

STATES OF THE UNION.

RHODE ISLAND.

The 27th, 28th and 29th of December were the days for voting on the question of the adoption of the constitution lately in part proposed.

MARYLAND.

The legislature convened on the 28th ult. In the senate, Richard Thomas was chosen president and J. H. Nicholson chief clerk. In the house, J. C. LeGrand was chosen speaker and J. N. Watkins chief clerk. The two former are whigs. The annual message of the governor was transmitted on Wednesday the 29th.

SOUTH CAROLINA.

The legislature adjourned sine die on the 17th instant. Among the 27 acts passed during its session, were the following:

An act to prevent the citizens of New York from carrying slaves or persons held to service out of this state, and to prevent the escape of persons charged with the commission of crime.

An act to prevent the emancipation of slaves and for other purposes.

An act to incorporate villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporations will hereafter be granted, whereby all corporations hereafter created, shall be subject to impeachment, trial and correction, before the power which creates them, the representatives of the people.

An act to make the unlawful whipping and beating of a slave an indictable offence.

An act to reduce all acts and clauses of acts in relation to the militia law of this state, with sundry amendments, and an act to modify the prison bounds law.

Resolutions were adopted hostile to the land distribution bill of congress, previous to adjournment.

GEORGIA.

LEGISLATURE. The general assembly of the state of Georgia, adjourned sine die on the 9th instant, having been in session little less than six weeks—being the shortest as well as most laborious session that has been held in many years. They passed nearly 200 laws. Of these the governor vetoed six, one of which was to direct the central bank to pay the interest on the public debt, and another to reduce the taxes of the state 20 per cent. They left the banks pretty much where they found them—considering, perhaps, that they could manage their own affairs. The bill for correcting the banks, with its various amendments, was lost on a re-vote. The central bank has some of its restrictions removed, and is authorised to put out \$200,000 in small bills.

The bill to aid the Monroe rail road company was lost. The Darien bank, we understand, is to be wound up, and its assets turned over to the central bank.

ALABAMA.

The legislature have adopted resolutions against the land distribution bill. They have also repealed

unconditionally the law which provides for the election of representatives to congress on the general ticket system.

LOUISIANA.

The legislature convened on Monday Dec. 12. W. C. C. Claiborne was elected speaker of the house of representatives. Gov. Roussin's message was transmitted the next day.

ARKANSAS.

STATE BONDS. The state loaned her bonds to a large amount, to erect and equip her Real Estate bank. Of these bonds \$50,000 were endorsed over to the North American Banking and Trust company, of New York, to raise funds upon. The North American Trust company pledged them to Messrs. Halford & Co. London brokers. Thus they stand: the North American Trust has gone out the Real Estate bank and the state of Arkansas is to pay either principal or interest, alleging in bar, the frauds of their agent, the North American Trust company.

OHIO.

DECISION OF SUPREME COURT.

Augustus L. Perrell and others, } Franklin supreme vs. } court in Chancery.

The Columbus Insurance Co., } ry.

1st. On the 4th day of March, 1840 a loan was made by debts to claimants, of the sum of \$3,200. Ten per cent. was reserved, and the balance of the \$3,200 paid to claimants.

Claimants executed a promissory note under seal, payable in New York on the 1st of May, 1840, for \$3,200. Also a power of attorney dated 6th March, 1840, authorizing the confession of a judgment for the amount of the note, and interest, and costs.

2d. On the 16th of July, 1840, claimants paid to debts on account of the note, \$1,225 42.

3rd. On the 12th September 1840, debts caused a judgment to be confessed against claimants for the sum of \$3,224 64; being \$24.64 more than the amount of the note after having received \$1,225 42 on the 16th of July, 1840.

4th. An execution was issued upon the judgment, and claimants paid the whole amount of the note for \$3,200, with interest at six per cent. and all costs, calculating the payment on the 16th of July, 1840, and filed their bill of injunction against the residue. Claimants paid the excess of 4 per cent. reserved at the time of the loan, as it was their case.

5th. Defendants claimed the right to charge 10 per cent. interest on the note, after it became due till the payment or till the judgment, and also 8 per cent. exchange, and these were the two items in controversy.

The defendants' charter authorises them to loan money generally, without fixing any rate of interest, and they claimed, that they had the right to charge as much interest as they pleased.

Claimants claimed, that by their charter defendants could only claim 6 per cent. interest and that no rate being authorised they were bound by the general law of the land.

The court granted and decreed a perpetual injunction, deciding both points in favor of claimants and against the company. [Daily Freeman.]

INDIANA.

The legislature have passed a joint resolution, and which, having been approved by the governor, is now a law, postponing the sale of personal property on execution now levied and advertised, or which may be levied hereafter, and before the first day of February next, until some day to be fixed by the proper officer, and after the first day of February next.

The lower house has passed, by vote of seventy to twenty-seven, an act requiring that real estate under execution should sell for two thirds of its appraisement. It will probably pass the senate.

The senate passed the greater part of the 15th inst. in discussing the joint resolution fixing upon the 15th of January next as the time for the resumption of specie payments by the banks. The resolution was referred to the committee on the state bank, and this committee was finally instructed to report it back so modified as to require the state bank to commence redeeming her five dollar notes, and all notes under that sum, with gold and silver, on demand at the proper branch, on or before the first day of April next; the ten dollar notes and under, on or before the first day of May next, and all others on or before the first day of August next, with provision.

Resolutions have been introduced into both houses "repudiating so much of the state debt of Indiana as has been incurred by the sale of state bonds for which no consideration has been received, in consequence of the failure or fraudulent conduct of the

purchasers thereof; but, at the same time, acknowledging, in all time to come, the valid obligation of all her liabilities outstanding, for which she has received the proper consideration agreed upon. One of the resolutions provides for the ascertainment, by the fund commissioner, of the numbers, dates, amounts, and other descriptions of the bonds referred to, and for their publication in certain cities of the union and of Europe, as repudiated bonds."

There is a bill before them authorising the redemption of the fifty dollar treasury notes now in circulation, by a new issue of five dollar treasury notes, payable two years after date of the last issue. Some of the legislature were busily at work upon the project, which is now assuming a tri-form character. It is proposed—

1st. To issue 45 treasury notes, in amount sufficient to pay the debt of the state to the state bank.

2d. To issue \$500,000 of treasury notes annually, for four years, for the purpose of completing the northern canal to the feeder-dam in Noble county, the rail road to Indianapolis, the White-water canal to the national road, and the improvement of the Wabash rapids.

3d. To issue 55 treasury notes for the purpose of redeeming the 500 treasury notes now in circulation.

We have lost sight of the movements in reference to the first class of these issues. The resolution, to instruct one of the committees to report a bill providing for an issue of the second class, was laid upon the table, in the senate, on the 15th inst. by a vote of 10 to 11. The bill authorising the issue of the third class was ordered to be engrossed in the house on the 16th, 82 to 14.

The Veray Western Statesman of the 23d inst. says that the report of Noah Noble, esq. present fund commissioner, to the legislature of that state, is, perhaps "one of the most startling official documents ever presented to the people of this or any other state. The extent of the frauds against the state, and the boldness with which they were perpetrated by the late fund commissioner—to say nothing of the immense sums actually lost through his criminally stupid management—are without a parallel in the financial history of any state."

SUSPENDED DEBT. A public meeting has been held in Washington county, and another in Shelby county, at each of which resolutions were passed expressing disapprobation of the action of the legislature, should refuse to pay all state bonds for which the state had not received a bona fide consideration.

ILLINOIS.

CONVENTIONS. The Van Buren convention at Springfield nominated A. W. Snyder as their candidate for governor, and John Hall as their candidate for lieutenant governor. Forty-three counties were not represented in convention.

The whigs have decided not to hold a convention to nominate state officers, as, on a comparison of views, it is found that they are all for gen. Joseph Duncan for governor. There is some disagreement yet with regard to lieutenant governor, but it is believed that all will be harmonized without a convention.

AMOUNT OF BONDS. The editor of the Alton Telegraph, writing from Springfield, says, that on inquiring at the auditor's office, he was informed that no official record whatever had been kept of the amount of bonds issued, the purposes for which issued, nor of their numbers, and that the only means of obtaining the information desired, was by examining the reports which, from time to time, have been made to the legislature.

FLORIDA.

Waleahou has come in at Pilatka with 37 Indians, and the Choctaws, John Ballou, John Colwell, Garlan, they have all promised to come in under their chief Octacoochee. Eighteen Mickaskees have remained, and they say will not come in at all, but will fight it out. They have killed two of the delegates from Arkansas, in the vicinity of Canassassay.

Two Indians who were sent to the Fort Moseley, the 10th of November, were found dead on the road leading towards the Esten-hatchee river, by a detachment of the 3d infantry, which arrived at Fort Fanning the 27th. From the appearance of the bodies, they must have been murdered on the day after they departed from the fort.

Efforts were made to excite him to revenge the murder of his two men; but without effect. He would do nothing till he could consult his people at Tampa.

The expedition of Lieut. G. W. Patten to the head waters of the St. John's, after an absence of ten days, returned to Fort Moseley on the 8th inst. The coun-

try south of Lake Harney was inundated, and it was next to impossible to ascertain the true channel. The consequence was that the canoes were frequently entangled amid intricacies from which it was difficult to liberate them. Lieutenant examined several places, on two of which he discovered fields containing sweet potatoes, Lima beans, peppers, &c., which the Indians had planted during the summer. The Indians, however, had left the islands, probably to join the forces of Sam Jones or Halleck Tuslengeeng.

Lieut. Col. Riley had arrived at Fort Pierce, and was daily expected by the land route to Fort Mellon.

[Savannah Republican.]

THE PUBLIC FINANCES.

LETTER FROM THE SECRETARY OF THE TREASURY,
Transmitting a report upon the state of the finances.

TREASURY DEPARTMENT, Dec. 20, 1841.

SIR: In obedience to the directions of the act of congress of the 10th of May, 1830, entitled "an act supplementary to the act entitled 'an act to establish the treasury department,'" the secretary of the treasury respectfully submits the following report:

Of the public revenue and expenditure.
The balance in the treasury on the 1st of January, 1841, (exclusive of the amount deposited with the states, trust funds, and indemnities, and the amount due from banks which failed in 1837), was, as stated in the report of the secretary of the treasury submitted to congress of the 31 day of June last \$957,345 03. The receipts into the treasury during the first three quarters of the present year amount

to \$23,467,072 52
Viz:
From customs \$10,847,557 44
From lands 1,104,063 06
From miscellaneous and incidental sources 90,691 69
From banks of Bank of U. States 662,043 47
From banks which failed in 1837 51,137 30
From treasury notes per act 31st March, 1830 1,524,703 80
From treasury notes per act of 15th Feb. 1811 5,936,932 90
From loan, per act of 21st of July, 1841 3,229,946 86
The receipts for the fourth quarter, it is estimated, will amount to \$6,943,095 25

Viz:
From customs 4,000,000 00
From lands 350,000 00
From miscellaneous and incidental sources 30,000 00
From banks of Bank of U. States 10,215 23
From treasury notes 350,000 00
From loan—
Received \$2,202,750 02
Estimate for balance qr. 100,000 00

Making the total estimated receipts for the year \$30,410,167 77

And, with the balance in the treasury on the 1st of January last, an aggregate of \$1,397,512 80

The expenditures for the three first quarters of the present year have amounted to \$24,734,346 97

Viz:
Civil list, foreign intercourse and miscellaneous \$4,615,363 81
Military service 106,341,104 43
Naval service 4,229,986 94
Treasury notes redeemed, including interest 5,027,811 13
Public debt 27,080 64
The expenditures for the 4th quarter are estimated, on data furnished by the respective departments, at 7,290,723 73

Viz:
Civil, miscellaneous, and foreign intercourse \$1,581,205 44
Military service 3,169,773 54
Naval service 1,966,560 50
Interest on loan 70,000 00
Principal and interest on treasury notes 503,193 95
Making \$23,023,070 70

And leaving a deficit to be provided for on the 1st of January, 1842 \$627,557 90

It being essential that no deficit, arising from the failure in effecting more than the portion of the loan authorised by congress at its last session, should be

provided for by means that might be at once available, it is recommended that an immediate issue of treasury notes be authorised, to meet the emergency.

II. Of the estimates of the public revenue and expenditures for the year 1842.

The receipts for the year 1842 are estimated as follows:

From customs \$19,000,000 09
(Arising from duties accruing in 1841, and payable in 1842 \$3,400,000
From duties accruing and payable in 1842 \$15,600 00).

Treasury notes 50,000 00
Miscellaneous sources 150,000 00

19,200,000 00

From which deduct the estimated deficiency on the first of January, 1842 627,557 90

Leaving this amount applicable to the service of the year 1842 18,572,442 10

The expenditures for the year 1842, including \$7,000,000 for the redemption of treasury notes, are estimated at 32,791,010 78

Leaving to be provided for this amount 14,218,568 68

The receipts from the customs for the year 1842 depending for their amount upon the action of congress at its present session, in the adjustment of the tariff, it is not practicable to form estimates of the revenue which may be derived from the last source with great precision. These now submitted have in view the present rates of duty, and their final reduction to 20 per cent. ad valorem after the 30th of June next. The scale of duties thus established, has been necessarily assumed as the basis of calculation for the remainder of the year 1842, estimated with reference to the anticipated importations of that year, compared with the average importations of former years.

In the estimated receipts, the amount which will come into the treasury from the sales of the public lands in 1842 has been excluded, as the act of congress of the 4th of September last directs its distribution among the several states and territories.

With regard to receipts from the loan already authorised by law, it is to be remarked that, owing to the short period which is to elapse before it becomes redeemable, together with the unsettled state of the money market, it would not be safe to expect that any considerable portion will be obtained, for the service of the year 1842, before the expiration of the time limited for effecting it.

The law authorising the issue of treasury notes also expiring early in 1842, not more than \$50,000, it is supposed, can be made available from that source.

In estimating the expenditures of the year 1842, it is assumed that no other appropriations will be made than those now submitted in the estimates from the several departments; and that the balance of those appropriations unexpended at the end of the year 1842, will be equal to that at the close of the present year.

It is proper further to remark that estimates of expenditures can only be made for such as may be required under existing laws, and arise in the ordinary operations of the government. The power of appropriation, as well as the power of raising revenue, being at all times in the hands of congress, this department cannot afford estimates upon its own sense of what the public interest may be thought to require, especially at a time when the condition of the country may be supposed to call for more than ordinary means of defence and security.

The amount required for surveys of the public lands, and the compensation of the officers employed in that branch of the public service, being payable out of the proceeds of the sales of those lands, is not included in this estimate of expenditure.

To meet the deficiency in the year 1842, amounting to \$14,218,570 68, it is respectfully recommended congress to authorise—

1. An extension of the term within which the residue not yet taken of the loan already authorised shall be redeemable, amounting to, say \$6,500,000.
2. The re-issue of the treasury notes heretofore authorised by law, amounting to \$5,000,000.
3. The balance still required, of \$2,718,570 68, together with an additional sum of \$2,000,000, (a surplus deemed necessary in the treasury to meet emergencies of the public service), to be supplied from imports upon such foreign articles imported as may be selected, with due regard to a rigid restriction in amount to the actual wants of the government, and a proper economy in its administration.

III. *Reduction of the tariff.*
The last reduction of duties on imports provided for by the act of the 21 March, 1833, will take effect immediately after the 30th June next. From that day

no duty will exist on any imported article exceeding twenty per cent. ad valorem; and certain other legal provisions of the same act, of great importance, are to come into operation at the same time.

One of them is the enactment which, after that period, requires all duties to be paid in ready money; thus putting an end to the system of credits which has prevailed from the first establishment of this government; a system which, however necessary or convenient in the infancy of our commerce, when the increased capacity of the country was inconsiderable, and a strong desire was felt to lower and encourage foreign trade by all practicable means, may at the present day well yield to the important objects to be secured by cash payments.

Another, deemed at the same time an essential provision of the act, is that which declares that, after June, 1842, all duties on imported articles shall be assessed upon the value of such articles at the port where the same shall be entered, under such regulations as shall be prescribed by law. Hitherto, throughout the whole history of the government, the cost or value in the foreign market has been assumed as the basis for the calculation of ad valorem duties, and to this cost or value certain additions have been made, supposed to be equivalent to the charges of importation. But undervaluations abroad, frauds, real or supposed, in invoices, and the unjust advantages which were believed to exist in the hands of foreign manufacturers, had become, in fact, themselves the importers into the country of a large proportion of the manufactured goods from Europe, led congress to look to a home valuation for security as well to the American importing merchant as to the revenue, and to the producers of similar articles in the United States.

The legal effect of the act of 1833 would seem to be, to abolish the practice, after June 30th, of assessing duties upon invoices or foreign valuation; and, therefore, if congress shall not at this session prescribe regulations for assessing duties upon a valuation to be made at the port of entry, or pass some law modifying the act of 1833, it may well be questioned whether any ad valorem duties can be collected after the 30th of June. The language of the law seems explicit. It is that, "from and after the day last aforesaid" (June 30th, 1842), "the duties required to be paid by law on goods, wares and merchandise, shall be assessed upon the value thereof at the port of entry; and that, from and after that date, such regulations as shall be prescribed by law." And it is further declared, that so much of any other act as is inconsistent with that act shall be and is repealed.

The assessment of duties, after the day limited, on the basis of the foreign cost or value, is inconsistent with the act, and the law authorising it must therefore, as it would seem, be considered as repealed.

The act of 1833, as must be obvious to all contemplates no other than ad valorem duties after June, 1842; for although, in a given case, a specific duty may not amount to 20 per cent. on the cost of the article, yet that fact cannot be ascertained without referring to price or value—things constantly fluctuating—and much uncertainty, and perhaps confusion, would arise, as changes in the market price of articles might carry the duty beyond the limit at one period, though within it at another.

Indeed, there can be little room for doubt that it was in reference to that point, and to the possibility of the act, that no duties on imports should exist after the 30th of June, 1842, but ad valorem duties. It must be admitted that this was a very important change in the whole system of imports into the United States, since it has heretofore been regarded as the dictate of high protection, and the teaching of long experience, that, for the prevention of frauds and the security of the revenue, duties ought, as far as practicable, to be made not ad valorem, but specific.

Of the essential or peremptory provisions of the act, there are two, which, it is not to be disguised, were intended to startle towards the new regulation of equivalents or mutual considerations. These are the reductions of all duties to twenty per cent. ad valorem, and the assessment of those duties upon a home valuation. It is impossible to read the act itself, and still more impossible to advert to the history of the tariff, without arriving at the most perfect conviction that the home valuation was resorted to for the purpose of guarding the revenue against fraud, and protecting American manufactures against undervaluations. There could be no other possible object in this provision. It is a part of the act, therefore, connected with another part, and inserted for the purpose of qualifying essentially the operation of that other part.

But it is highly proper to look at the circumstances which led to the passage of the act of 1833, and to

regard the motives in which it appears to have had its origin. It was the result of a spirit of compromise and conciliation, at a time when considerable agitation existed and much diversity of opinion prevailed. If events shall appear to make it necessary to reconsider or readjust the provisions of that law, all proceedings towards it must be conducted in the same spirit. The undersigned is most deeply impressed with the force of these convictions, while offering suggestions to congress on the subject. He is constrained to admit that it has appeared to him that the interest of the country required some modification of that law, and that some such modification would first remove the great, if not insurmountable difficulties of establishing a home valuation at our various ports, without incurring the risk of producing such diversity in the estimates of value as should not only lead to great practical inconvenience, but interfere also, in effect, with the constitutional provision that duties and imports shall be equal in all the states. If such should be the opinion of congress, then it is clear that some equivalent is to be provided for the home valuation, or else the whole basis upon which the act was expected to rest, as a measure of compromise and adjustment, is taken away or displaced. There is, then, to that extent, to be the totality or compromise of interests evidently intended to be produced by placing home valuation as an equivalent against a reduction of ad valorem duties. It remains for the wisdom of congress to determine whether such equivalent can be found.

In the second place, if congress should be of opinion either that home valuation is practicable, or that some equivalent and proper substitute may be found for it, the undersigned will not disguise his opinion that it cannot be regarded as wise, by any portion of the country, as a permanent system of policy, to augment the duties on imports, or to subject the duties on imports to such augmentation, by raising duties on all articles, including those of absolute necessity, to the full extent of twenty per cent, and preserving that limit, at the same time, as a fixed barrier against higher duties on any article whatever, even those of mere luxury. Such a plan of revenue, if it be regarded as a settled one, appears to the undersigned to be unnatural and unequal, and such as is not likely to promote the best interests of the country.

The probable effect of the future operation of the act of 1833 upon the manufactures and mechanical trades of the country, particularly if the home valuation be established, and no provision for such home valuation found, gives rise to inquiry too important to be overlooked.

It is fully acknowledged that all duties should be laid with primary reference to revenue; and it is admitted, without hesitation or reserve, that no more money should be raised, under any pretence whatever, than such as is necessary for the economical administration of the government. But within these limits, and as incidental to the raising of such revenue as may be absolutely necessary, it is believed that discrimination may be made, and duties imposed in such manner as that, while no part of the country will suffer loss or inconvenience, a most beneficial degree of protection will be extended to the labor and industry of large masses of the people, while the whole country will be rendered more prosperous in peace, and infinitely stronger and better prepared for foreign war should come upon us. The principle of discrimination has obtained from the period of the first tariff, and it is believed that it will continue to be found to be indispensable to the interests of the revenue itself; and if, in fixing a system of duties, it consists with the best interests and true policy of the country so to apportion them among the various species of imports as to favor our own manufactures at the same time that the revenue itself is benefited, it may be found to be indispensable to the interests of the revenue itself; and if, in fixing a system of duties, it consists with the best interests and true policy of the country so to apportion them among the various species of imports as to favor our own manufactures at the same time that the revenue itself is benefited, it may be found to be indispensable to the interests of the revenue itself; and if, in fixing a system of duties, it consists with the best interests and true policy of the country so to apportion them among the various species of imports as to favor our own manufactures at the same time that the revenue itself is benefited, it may be found to be indispensable to the interests of the revenue itself.

The undersigned feels no difficulty in admitting that a duty of twenty per cent, ad valorem, assessed upon the value of imported articles in our own ports, would in many instances be a rate sufficiently high and so judiciously adjusted, as to afford reasonable and judicious encouragement to home producers of the same articles. As to those, therefore, the act of 1833 will be accomplished, if its provision for home valuation be carried out by congress. But he still supposes that there are several descriptions of imported manufactures and products, the duties upon which are higher than twenty per cent, upon the home value, and thus yield a greater revenue to the government, while, in regard to some of them, it will be found that, without such increased duty, the labor of large classes, engaged in producing similar articles, will be greatly depressed, if not entirely suppressed.

It is unquestionably true, and well worthy of remark, that the act of 1833 was avowedly conservative in its objects and character; and, while it was designed to remove what was esteemed a grievance by one part of the country, it was not intended that the interests of any other should be sacrificed by it. It was a measure of reasonable severity, was intended for all. Its true spirit, therefore, will be best carried out by acting, under any new state of circumstances, with reference to the same great objects, and doing justice alike to all. The great principle of that act was moderation and conciliation, and this should never be lost sight of. But the measures proper and necessary to carry out that principle, and to meet the altered circumstances of the country call for such change, without any departure from the principle itself.

Nothing is more established by our experience, and the experience of other nations, than that the augmentation of these cases, and the modes of their operation, the cost of the article to the consumer, in many cases it appears not to increase that cost at all. Very often the price to the consumer is kept down, notwithstanding an increase of duties, partly by the greater supply of the home production, and partly by the competition of the foreign market. It is believed, indeed, that there have been cases in which the joint operation of the two causes has occasioned prices to fall lower than they were before the increase of duties was laid.

This result in the operation of trade and business might readily be traced to its causes; but a full exposition of those causes, and the modes of their operation, would too much swell this report. Suffice it to say that, when an additional duty is laid on an article in a country in which that article is extensively consumed, the burden always falls in part, and sometimes, as experience has shown, altogether, upon the foreign producer. The foreign producer must sell; and, in the place of sale, he finds an article produced on the spot which comes into advancing competition with his own by reason of paying no duties, he still must sell, and for the sake of being able to do it, he must be content to bear the burden of the duties himself. The duty borne by the foreign producer is the charge for transportation.

It is something which is not borne by the domestic producer in the market of competition. Analogous instances occur in domestic trade. The wheat grower of Indiana, who incurs heavy expenses in conveying his flour to an Atlantic port, expects no higher price for it when it arrives there than is paid for flour of the same quality and weight in the immediate neighborhood. The cost of transportation, therefore, does not operate so much to raise the price at the place of sale as to diminish it at the place of production. Now, the great law which regulates prices, by demand and supply, is sternly observed in cases of foreign importation, as in this instance of domestic trade. The cost of transportation, therefore, does not operate so much to raise the price at the place of sale as to diminish it at the place of production.

The great proportion of the agricultural population of the United States is obliged to rely mainly upon the home market for a sale of its products, although a large part of those products (wheat, for instance) is such as often enters extensively into the consumption of the world. The quantity of flour and grain exported from this country is also small. Indian corn, exported from this country, is also small, inconsiderable, in comparison with the quantity consumed in the large cities and manufacturing towns, which have either entirely grown up or added largely to their population under the influence of laws of congress, passed since the end of the last war, upon the subject of the consumption of flour and grain in the manufacturing districts, especially in the north and east, decline, to that extent there is an absolute loss to the wheat and corn grower, since the quantity consumed by them will find a market nowhere else. To say nothing, in this connection, of the incalculable importance of a home market to the producers of articles of domestic manufacture, and limiting his remarks to the grain growers alone, the undersigned cannot but persuade himself that all will see and acknowledge the great value to that class of producers of the northern and eastern markets—the only considerable market, indeed, which is permanently open to them upon the face of the earth.

So long as the policy of other countries shall continue to be such as to encourage agriculture from their ports, and thus deny to us the markets of their fair reciprocity in trade, it would appear to be equally the dictate of policy and of justice to our people to secure to them, as far as may be reasonably and properly done, a market of consumption for their produce in their own country.

The undersigned is of opinion that the condition of the treasury and of the country demands an augmentation of the revenue. It cannot but be the true policy of government to extinguish the amount of debt now existing as soon as practicable, and to avoid increasing it. The creation of debt, by loans and other means, for the purpose to supply deficiencies of regular income, cannot but be a source of future embarrassment, as injudicious and objectionable. The general credit of the government, always good, has been greatly raised, both at home and abroad, by the fact that it has fully paid off and discharged the debt created by the revolution and by a subsequent war with England, and that it has the honor of the present preservation of this high credit is of the utmost importance. It must be the necessary reliance of the government, if, in the vicissitudes of human affairs, sudden war should come upon us, requiring large and immediate expenditures. Exact punctuality in the payment of interest, while the debt shall continue, and its payment so soon as the time of payment arrives, as well as the known ability and honor of the government, are the means of inspiring that general confidence which shall at all times enable it to use its credit to the greatest advantage.

The estimated expenditures of the government for the coming year will exceed its probable income by \$14,213,576. Should congress authorize a reissue of treasury notes to the amount of \$5,000,000, and the balance of the loan be disposed of, there will remain a deficit of \$2,718,570, for which provision must be made by law. It is not supposed that congress will deem it advisable to restrict the income of the government to the precise amount of its expenditures. There ought to be a surplus of at least two millions, to meet unforeseen emergencies in the public service; and should even the proceeds of the sales of the public lands be withdrawn from the states, a reference to the receipts from that source in the last and present year would show that a surplus of that revenue, to meet the wants of the government, must still remain.

The state of the national affairs, the disposition of the government, in which, it is believed, the people fully participate, to put the country into a respectable state of defence, and especially to support and strengthen the military marine, all appear to suggest the propriety of such increase of duties on articles carefully selected as, while the amount shall not bear hard on individuals, by limiting their customary enjoyments, nor oppress nor derange the general business of the country, shall yet supply the treasury, not extravagantly, but speedily, but yet reasonably, and justly for all the great purposes of national defence. Economy, that great public virtue, which is so essentially proper to be practised by republican governments, would be but half exercised if, while on the one hand it avoids all unnecessary expenditure, it does not on the other make a reasonable and judicious provision for the necessities of the government. All which is respectfully submitted,

W. FORWARD,

secretary of the treasury.

Hon. J. White, speaker house of representatives.

TWENTY-SEVENTH CONGRESS, SECOND SESSION.

SENATE.

DECEMBER 20. The president announced that the select committee on printing consisted of Messrs. *Angell, Merrick and McKim*.

Mr. *Calhoun* was respectfully asked to be excused from serving upon the committee, but subsequently withdrew his request.

Mr. *Wright* presented a memorial from a large number of merchants of the state of N. York, praying for certain amendments to the bankrupt law, passed at Charleston in 1837, which was referred to the committee on the judiciary, and ordered to be printed.

Mr. *Calhoun* presented the memorial of the chamber of commerce of the city of Charleston, adverse to the general bankrupt law; also, a memorial of the chamber of commerce of Charleston, relative to steam vessels of war; also, a memorial asking for a post route from Charleston to Memphis.

Mr. *Buchanan* presented a memorial from merchants of Philadelphia, asking for several important alterations in the bankrupt law; and requesting a repeal of the act if the amendments shall not be made. He said that he was extremely happy to find that this innumerable class of individuals, who are so often referred to by the name of bankrupts, were so numerous that it would be well to have a bankrupt law applicable to banking institutions.

Mr. *Buchanan* presented the memorial of the chamber of commerce of Philadelphia, asking for the establishment of a light on the break-water in the Delaware.

Mr. Barrow presented the resolutions of the legislature of Louisiana, with regard to increasing the salary of the judge of the United States district court of that state; also, in relation to the military defence of New Orleans, and the propriety of the general government sending a steam ship into the Gulf of Mexico, for the purpose of protecting the commerce of the Mississippi.

Mr. King presented a memorial from the citizens of Alabama, designating the Falls of Tallapoosa as the most eligible site for the proposed armory on the western and southwestern waters.

Mr. Sturgeon presented the petition of Jonathan Wright and others, of Spring Garden, Philadelphia, praying that the constitution of the United States may be so altered as to entitle all men to liberty and happiness.

On the motion of Mr. King the petition was laid on the table.

Mr. Woodbury presented the preamble and resolutions of a meeting held at Halifax Court-house, Va., expressing disapprobation of the late extra session of congress, and a strong doubt whether the measures then passed furnished the relief which was intended; and asking for the re-enactment of the sub-treasury law and a repeal of the distribution act.

Mr. *Monten* said that, at the extra session, the memorial of Monsieur Gonon, relative to the system of telegraphing, was referred to the committee on military affairs. As the subject was one of vast importance to the country, he would suggest that the committee again take up the subject; and he expressed a hope that it would be found worthy their earliest attention.

Mr. Smith, of Indiana, submitted a resolution, which was adopted, instructing the committee on finance to inquire into the expediency of making an appropriation to defray the expenses arising out of the treaty between the United States and the Miami Indians.

Mr. Wright introduced a bill to amend and continue in force an act to incorporate the inhabitants of the city of Washington. He said that he presented the bill to a select committee of gentlemen who constituted a committee on the subject of the rights of the citizens, and he was directed by these gentlemen to ask that the bill be referred to the committee on the District of Columbia, and that it be printed.

Mr. Evans, from the committee on finance, reported, without amendment, the house bill making an appropriation for defraying, in part, the expenses of the government for the year 1842, and asked the senate to consider it at this time.

Mr. King inquired whether he understood the senator as saying that he had reported the bill without amendment to the Senate, he objected to its consideration because he could see no propriety in paying themselves while others were suffering. He observed that they all knew it would be much sorer to amend this bill and pass it through, than to get a second bill passed. He knew that the task of preparing amendments to this bill would be laborious, but he felt himself bound to undertake it. He, however, believed that no good could result, unless by an amendment to this bill.

Mr. Woodbury said that attempts to have appropriations made in accordance with the views of the senator from Alabama, had often been made, but always failed. He apprehended that the views of both the senators could be accomplished, and that congress could now make appropriation for what was actually due; and before more became due, they could make another appropriation.

Mr. Tipton hoped that the bill would be postponed so as to enable the senator from Alabama to prepare his amendment; and, with that view, he would move that the bill be laid on the table.

The question was then taken, but the motion was disagreed to; and the bill was read a third time, and passed.

The following bills were reported back to the senate from the committees to which they had been severally referred:

Mr. Smith, of Indiana, from the committee on public lands, reported a bill to establish an additional land district in the state of Alabama; a bill for the relief of the Selma and Tennessee rail road company; and a bill to authorise the state of Louisiana to sell the lands heretofore appropriated for school purposes.

Mr. *Huntington*, from the committee on commerce reported a bill allowing drawbacks on goods exported in original packages from the United States to Chihuahua and Santa Fe.

Mr. Pierce, from the committee on pensions, reported a bill to provide for certain Cherokee Indian pensioners.

On motion of Mr. *Huntington*, the senate then went into an executive session and, after some time spent therein, the doors were opened, and the senate adjourned.

DECEMBER 21. Mr. Morehead, of Kentucky, appeared in his seat.

Sundry petitions respecting slavery were presented, and on motions to receive them ordered to lie on the table.

Mr. *Linn*, in pursuance of notice, introduced a bill to repeal the act to distribute the proceeds of the public lands among the states, and to grant pre-emption rights, and to appropriate the revenue from that source for the defence of the country. He was not certain that it should be referred to the committee on public lands, as that committee were adverse to the project; he would prefer its being sent to the committee on military affairs.

Mr. Smith, of Indiana, said that at the last session the subject had been referred to the committee of which he was chairman; he had reported the bill, and it had become a law. Should the bill be referred to the committee on the public lands, he would do his duty, but his mind must undergo a radical change, which he did not anticipate, or he should recommend that the bill be reported back to the senate for reconsideration. The committee on the public lands had not yet taken effect, and he felt unwilling to see its operation before he acted on the question of repeal. He spoke for himself, and not for the other members of the committee on the public lands.

Mr. Lian then moved its reference to the committee on military affairs.

Mr. Calhoun said the law of parliament went so far as to say that no committee should have charge of a subject who were opposed to the measure to be considered. It had been deemed even as in violation of the law to appoint one member upon a committee who was known to be opposed to the whole measure. Mr. C. therefore suggested that the bill should be referred to a special committee of five or seven; he should prefer seven. There was, he said, no more reason for referring the bill to the committee on military affairs than to the committee on finance. He would make the motion himself, but that he preferred that the senator from Missouri (Mr. Linn) should be placed at the head of the committee.

Mr. Linn said that he had much to do in looking after the interests of his own constituents; but if the senator thought proper to refer it to a select committee he should not object. By taking from the treasury the means which the distribution bill placed there, we afforded but little means of relief to the states themselves.

Mr. L. hoped the senate would take the subject up and reconsider it. He wanted a cool, deliberate investigation of this subject, and other great and leading subjects connected with it. The nation demanded this at our hands. Mr. L. said further, in regard to war, that he thought there was great and serious danger of its coming upon us, and he begged that the country would prepare herself to meet the danger when it might.

Mr. *Phelan* said that from the tone of the public press every where, there was a demand that the country should be placed in a condition of defence. He had heard it stated by gentlemen of great experience in the land and naval service of the country that the country was not now in as good a condition as it was at the commencement of the late war. He hoped the bill would go to a select committee.

Mr. Allen hoped that the senate would not act upon this matter before acting upon a matter of prior consideration—the apportionment of representatives among the people. Many of the state legislatures were now in session, and unless congress acted on it speedily it would be necessary for them to convene an extra session of the state legislatures for the purpose of acting upon the apportionment of congress. He hoped congress would act upon this subject now, and the distribution question afterwards.

Mr. Calhoun hoped again that it would be referred to a select committee. The military committee represented one branch of the defenses of the country, the naval committee another branch, and the bill before the senate embraced objects beyond the province of either of these committees. It involved questions of finance, calculation, &c. He would suggest that the committee be composed of one member of the committee of military affairs, one from the committee on naval affairs, one from the committee of finance and the majority favorable to the proposition.

Mr. C. also said that he felt a deep solicitude upon this subject. The state he represented had made a unanimous movement upon this subject. They had pronounced the bill unconstitutional, and had refused by a large vote in the popular branch of the legislature to receive the quota apportioned to South Carolina. The senate, by as large a vote, would second the action of the popular branch of the legislature. For these reasons he felt a deep solicitude in the question.

Mr. Preston said he was utterly averse to the reference of this subject to the committee on military affairs. It was not germane to that committee. He could see no reason why the senate should not act upon the bill without any delay. In regard to the amendment proposed by the senator from Tennessee (Mr. Pickens), he was ready to second any efforts which could be carried into effect. We should remember, however, in our wish to gain physically more strength than we have, that we do not destroy that vigor necessary to sustain the internal strength of the country. Our treasury presented a most extraordinary condition, and the deficit of the coming year would be fourteen millions, and that we should want more than we could get from commerce, from the public domain, and from all the sources of revenue in our reach. With all this, we should be compelled to borrow. In regard to the principle of distribution, he regarded it as unwise. Unconstitutional he did not regard it. He thought the senate should retract its step as soon as it could.

Mr. Buchanan advocated a reference to a select committee, but regarded it as a little matter to what committee it was referred; for, where it would be referred, unless senators materially changed their minds, it would be referred to the same committee. Mr. Buchanan said that he too had been sickened at the condition of the treasury as shown in the report of the secretary of the treasury. We found ourselves fourteen millions in arrears our wants; and year after year we were increasing our debt. We were to give the states the miserable pittance which they would receive under the distribution bill. Mr. B. said he agreed with a senator from South Carolina in another thing also; and that was, that the finances of the country should be put in a state of order, so that there could be no vigorous prosecution of a war with any power. The finances of the country should be in a healthy state, if we would have the country in a good condition in the way of preparation for war. Economy was necessary; and, he thought, it would be necessary to raise a loan of \$100,000,000, or \$120,000,000 to bring the rail road companies to terms. The report of the secretary of the navy had proposed also to increase our navy to half the size of the British navy, when, as was well known, the expense in the navy was the least of the expense in the army. He told what it was in Great Britain.

Mr. Linn withdrew his motion to refer to the committee on military affairs, and moved its reference to a select committee.

select committee.

King expressed himself gratified at hearing that the committee had been formed by the senator from South Carolina (Mr. Preston) in regard to the distribution bill. He took pleasure in saying that the little state from which he came would not accept this bounty from the general government. They believed it belonged to the people of the state, and that the federal treasury should save us from a high tariff, and therefore should not be received. He hoped the senators would carry out the views of the people, and repudiate the bill which they had repudiated. He had no doubt that the senators who voted for this bill, would, for it would be a great benefit to the people of the state.

In reference to the question of the defence of the country, he would not consent to vote for stated appropriations because the finances were embarrassed. In the present aspect of affairs when the nation was threatened, he was for taking liberal appropriations when the danger came, more might be lost in a single night than the expenditure of years.

Mr. Mongon denied that it was parliamentary to refer a question like this to a committee the majority of whom were favorable to the proposition. The question presented was the making one of repeal. There was no question for any references; or, if it was required, it was to be made in public lands. In regard to what had been said by the senator from Alabama, he denied that the public mind had been expressed adversely to this object. He stood here for one, in fact, as it were, upon this subject. Mr. Mongon also denied that the senator from Alabama had said anything which had been irrelevantly alluded to by many senators. He believed there was no danger of war, and it was only the visionary ideas of glory which prompted men to talk of this subject as they did. Men who desired glory, and who were not satisfied with the attention to the great matter of war, were exciting the public mind by these inflammatory

Mr. Bayard advocated a reference to the select committee, and the formation of such a committee would give those who called themselves democrats the majority. He should vote against repeal, and he wanted no better argument to sustain his own side than the question than just such an argument as would

Resolved, That the secretary of the treasury be directed to make a report to the senate, showing what would have been the operation of the land distribution bill if it had been in operation during the year 1841, and how much would have been the distributive shares of each state and territory and the District of Columbia, and how much would have been the estimated product of the land sales for the year. Also, the distributive share of each individual, provided the said revenue should have been divided up by the head to the entire population of the union according to the census of 1840. It is further *Resolved*, That the distributive shares of the states, territories, and District of Columbia, and individuals, provided all the proper costs and charges upon the lands, consisting of Indian annuities payable during the year, and the current purchases of land, and the interest on the public debt, and the charges named in the distribution act, were first deducted before the distribution should be made.

On motion of Mr. Preston 3,000 extra copies of the report of the plan of the fiscal agent were ordered to be printed.

On motion of Mr. Calhoun, the senate adjourned to meet on Monday next.

DECEMBER 27. The hon. *Arthur P. Bagby*, senator elect from the state of Alabama, in the place of *Clement C. Clay*, resigned, was qualified and took his seat.

Mr. Wright presented a petition, signed by a large number of the merchants of New York, praying that a law may be passed to suspend the operation of the bankrupt law, passed at the last session, for two years from the 1st of February next. He remarked that the petition was sent to him by mercantile firms of that city, and that the reason why they made this request was, principally, on the ground that if the law should be put into operation on the 1st of February, (so great a depression and tightness of money would be the result at this time), that property would be thrown into market to such an extent as must inevitably cause a great sacrifice of assets. He also stated that the memorial was signed by the presidents of five several banks.

Mr. Young introduced a bill to amend the act distributing the proceeds of the public lands among the states and to grant pre-emption rights; and a bill granting to the state of Illinois an additional quantity of land for the completion of the Illinois and Michigan canal, which was read a first and second time, and appropriately referred.

Resolved, That the committee on the judiciary be instructed to inquire into the necessity and propriety of providing by law for the appointment of a district judge of the state of Mississippi, and to assign the present incumbent the northern district of said state, and to increase the salary to be received by the judge of each district.

Resolved, That the president of the United States be requested to inform the senate, if in his opinion it may be done without detriment to the public interests, whether any proposition has been made to or received from the British government since the 4th March, 1849, relative to a mutual right of search; and, if so, to lay before the senate all the correspondence, together with any instructions that may have been given since that time by this government to our minister at England relating to this subject.

The *chair* laid before the senate a communication from the treasury department, containing the annual statement of the commissioner of the land office.

On motion of Mr. Smith, it was referred to the committee on the public lands.

Mr. Benton said that he held that congress had no right to pass any such act as it had passed. It was nothing but a law for the general abolition of debts at the will of the debtor. It was one of the acts of the extra session, and carried through this chamber upon the high-pressure principle. Not an *i* was allowed to be dotted, not a *t* to be crossed, without the consent of the friends of the measure. It was a bad

measure in itself, passed in a bad way, and carried out badly measure along with it. It would receive its destruction from the judiciary or the voice of the people. The act was not a bankrupt system within the meaning of the constitution. The design of a bankrupt system is to enable creditors to save something out of a debtor's estate, while the constitution of the United States does not require a bankrupt system in the world which does not require the consent of the creditors, either in the whole or a great majority, to sign a certificate consenting to the final discharge of the debtor. The bill of congress reversed every proposition belonging to a proper bankrupt bill. By the mere operation of law, and the decision of the court, the debtor obtained his discharge. It was not, therefore, such a measure as the constitution required, and it was a violation of the constitution of the United States. It helped the creditor to say—under

When the matter came to the final certificate, the bill was particularly objectionable, and unlike all bankrupt bills in other countries.

Under the bill itself, the federal courts were to perpetually stand open to the debtor. Like the gates of hell, they were to be open forever. The banks could be benefited as far as the bankrupt bill extended benefits, and were subjected to none of the exactions of the bill.

When the framers of our constitution authorised the passage of a bankrupt bill, they had in view the bankrupt system of all countries, and particularly of Great Britain. They did not mean that such a bill

should be passed, in all the leading features of the measures, and this he could prove from the Madison Papers and the contemporaneous history of the times. That meant that the bankrupt system should be the

They meant that the bankrupt system should be the model. The bill was a mere thing, and no more a bankrupt system, within the meaning of the constitution, than it was a bill of agriculture. It was, in its

tion, than it was a bill of agriculture. It was, in its best aspect, a property law, but such a property law as no state in this union ever had, or ever would adopt. Property laws had been regarded as im-

In conclusion, Mr. Benton said if congress would pass a bill for including corporations, he would go for it; if not, he would not support it; and he should prefer to see the present bill repealed.

Having concluded his remarks, Mr. Benton was about to introduce his bill, and the chair to propound the question for a first reading, when Mr. Henderson briefly replied to the senator from Missouri and his original proposition. He said that the bill was the originator in introducing the recent elections, it was introduced several years ago by a friend of the senator, (Mr. Yorell,) and, although the bill underwent many modifications, whatever honor was attached to the measure was belated. He said that he was not a native of Missouri did not feel himself willing to abide the decision of the country, and for this reason he was prepared to introduce a real bankrupt bill; and while he insisted that this act did not correspond with the law of the country, he was prepared to respond with the law of the country would be satisfied with one which applied to banks alone. Now, the law which was passed at the last session included bankers, as well as the English law, and in the same language. It applied to persons and to corporations, and he was prepared to persevere between them, and the senator would search in vain to find in the English bankrupt law a clause applicable to corporations. The senator had placed himself in a position here to advocate the rights of creditors in Europe, and on other occasions, to show how little these creditors were entitled to.

Mr. Henderson asked, on which point? He understood the senator as arguing that the bankrupt law would operate oppressively and unjustly on creditors abroad; and he thought that the senator occupied different ground when he denounced English creditors in this country.

Mr. Benton again denied the assertion, and called for specifications.

Mr. Henderson would make no particular specification; but he would remark that, on different occasions, the senator had denounced their system of legislation. He apprehended that the senator would soon be found on the side of the banking corporations who were now asking congress to repeal this law. Many of the banks would oppose this law, for it would soon expose the rotten condition of their affairs, and their small assets without a real foundation for their

their small assets and the country's economic issues. He was therefore expected to see many of the leading corporations of the country opposing the law, and asking for its repeal. They had already seen such an application this morning in the petition presented by the senator from New York, (Mr. Wright), and that too under no other guise or specification than that it was a proper subject of legislation under the provisions of the law. The effects which must go into insolvency, would, no doubt, be great, and he felt confident that a dishonest man had no more to gain under this law, than an honest man had notwithstanding the senator from Missouri had maintained a position to the contrary. He was not now prepared to answer the laborer's question, but when the senator, whose bill came up, he would, and the other gentleman should feel disposed to do so, go into a response with regard to the constitutionality of this law.

Mr. Benton understood the senator from Mississippi as saying that he was, on former occasions, opposed to paying Europe creditors. This was not so. It was true that he objected to the proceeds of the public lands being applied to that object; but, on other accounts, they were fairly entitled to a settlement of their debts.

Mr. Wright said that, because he had presided over the morning and stated that it was signed by the presidents of five of the banks of the city of New York, an inference had been drawn that those banks were unsound, and were unwilling that their unsoundness should be exhibited. Now he was not to be placed in any position beyond his own choice in defending the banking institutions of the country. If there were such things as sound banks, what was to become of the business community if they were to be labelled as unsound and rotten? He would not say that no effort would be made to remove the prejudice of the petitioners, whose position he fully understood; but let them look at the subject as business men, and with a becoming sense of justice.

Mr. Henderson remarked that he did not attempt to specify any particular banks as being insolvent; he had meant to say that it was more likely that insolvent bankers would oppose the bill rather than banks with their creditors.

Mr. Calhoun agreed in almost every word uttered by the senator from Missouri; for he held the bankrupt act to be flagrantly unconstitutional, and the most unconstitutional law ever passed in favor of fraud and oppression. But he rose to say that

hoped the senator who asked leave to introduce this bill, would push the matter. If that should be done, it was his intention, when the bill came up, to move to repeal the law, instead of proposing to amend it. A few days ago, he presented the memorial of the chamber of commerce of the city of Charleston, adverse to this law; and, in obedience to that, and his own convictions, he would pursue the course which he had first suggested.

The bill was then read a first and second time, and referred to the committee on the judiciary.

The president pro tem. (Mr. King) laid before the senate the following communication, viz:

1. From the state department, stating that the returns of the sixth census, or enumeration of the people of the United States, had been printed.

2. From the war department, in pursuance of a joint resolution of the two houses of congress, containing a list of all such persons as have made application for pensions, or for an increase of pension, and a statement of the names of those who ought to be placed upon the pension roll.

3. The annual report of the commissioner of the general land office.

4. From the secretary of the treasury, transmitting, in compliance with a resolution of the senate, a statement exhibiting the value of imports and exports during the year ending the 30th of September, 1841, as follows, viz:

Value of merchandise free of duty,	\$64,785,449	
Value of do. paying duty,	59,381,934	
		\$124,167,333
EXPORTS—		
Foreign merchandise, viz:		
Value of merchandise free of duty,	\$10,793,451	
Value of do. paying duty,	4,303,175	
		15,101,626
Value of domestic produce,	106,039,665	
		\$121,161,311

Note. The value of imports and exports for the 3d quarter, ending 30th September, is partly on estimate.

Mr. Woodbury remarked that, from the statement, it would be perceived that the imports exceeded the exports more than three millions, contrary to the impressions which had gone abroad upon the subject.

The report was ordered to be printed, and then the senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, DEC. 20. Mr. Miller moved to suspend the rules with a view to pass over the resolution now before the house, which related to that portion of the message relating to the tariff. His object was to take up the resolution for the reference of the subject of the apportionment of representatives under the sixth census.

After various objections and explanations from Messrs. Sellers, Briggs, and Miller, and the speaker it was stated by the clerk that the resolution for the reference of the apportionment was passed last Thursday, and had been sent to the select committee appointed on that subject.

The house then resumed the consideration of the resolution to refer to the committee on manufactures that portion of the message which relates to the tariff.

Mr. Slade, who was entitled to the floor on this subject at the last adjournment, said that he would not have said a word on this subject, if the speaker had not placed him on the committee on manufactures, and as he did not mean to resign the position that he represented a constituency deeply interested in this question, and who, of course, looked to him to defend their interest whenever it was brought under consideration. He felt also compelled to say something, from the fact that the legislature of the state which he in part represented had passed resolutions on this subject, which furnished an excellent summary of the arguments which should be urged in favor of the protective system; and, as he desired to make these resolutions a part of his speech, as well as the reasons which he wished to address to the house, he would ask that they might be read. The resolutions which were read (p. 182), were here read by the clerk, and Mr. S. proceeded. It would seem that he was thus requested, by an authority he was bound to respect, to use his best endeavors to obtain the passage of laws for the purpose of protecting domestic manufactures. This he should endeavor to do, not only voting, but, on all proper occasions, so far as he was able, by giving the reasons which influenced his votes.

Under ordinary circumstances, a mere question of reference would not naturally and properly involve

the whole merits of the question. But the question of reference was so presented now, as very properly, from the nature of the case, to involve the consideration of its merits. He was not surprised, therefore, at the rage which the debate had taken. If the question arose now, for the first time, what direction should be given to the subject of manufactures—whether the house should raise a committee on manufactures or raise a committee of ways and means, to consider the subject, that would be another question. He was not surprised, therefore, if they had a committee on manufactures, and they had it, committee of ways and means, not only established by the rules of the present session, but which had their foundation in the long-settled policy of the country. And yet an attempt was now made to divert this subject from its long-accustomed, natural, and appropriate channel, and to give it a new one. This could not be done under existing circumstances, without sending abroad an impression over the country that the protective policy was, in point of fact, altogether abandoned. It would in fact amount to the abolition, if he might so speak, of the committee on manufactures. There were very good reasons why the friends of the protective system should take their stand upon this question of reference.

This consideration was strengthened by a reference to the appropriate duties of the two committees. The latter had a committee of ways and means, and it had a committee on manufactures. They found, from the very face of the rule, that the committee of ways and means had necessarily and properly nothing to do with the subject of manufactures—that the range of their inquiries did not necessarily touch this subject. And yet gentlemen desired to foist upon the committee of ways and means a set of duties never contemplated by the house.

But there was another still stronger circumstance in favor of this view. There was another rule of the house which provided for a committee on manufactures, so that we had not only the negative testimony arising from no such specifications of duty in the rule establishing the committee of ways and means, but we had positive testimony in the establishment of the committee on manufactures, the very name of which sufficiently indicated the range of its duties.

Mr. S. engaged on this view of the case, contending that under the rule, or under the view of the subject given in the message of the president, (from which he quoted), the committee of ways and means could not take into consideration the subject of manufactures, unless specially instructed so to do. Where were these special instructions? Let the gentleman from New Hampshire, (Mr. Atherton), if he were disposed to abolish the committee on manufactures, (and it amounted to that), bring forward a resolution instructing the committee of ways and means to consider not only what he (Mr. S.) had read from the president's message, but also the subject of discussion, not only for the purpose of mere revenue, but for the purpose of protection. Would the gentleman do that? or did he suppose that the committee of ways and means would consider the subject for a moment, if that was not done? Mr. S. considered the amendment of the gentleman from New Hampshire, if it should prevail, as tantamount to a declaration that the president's message, that he would have no examination at all into this question. He appealed to gentlemen on all sides, from the east and the west, the north and the south, of all parties, to say whether the house was prepared to come to a vote which should speak such a language as that. He did not know but what gentlemen from New Hampshire might be prepared to do so. He would refer the subject to the committee of ways and means would be ineffectual to say that there should be no examination into it; and what then was to become of all the petitions which had been sent here in relation to it? Did gentlemen suppose that at the present discussion the question of tariff and protection of manufactures was going to remain silent? It could not be.

But it was in the highest degree unparliamentary to refer this subject to the committee of ways and means. The parliamentary rule—that was to say, the spirit of the parliamentary rule—was that a subject should be referred to such a committee as would be best calculated to protect the rights of the people. It was not done, the child, (to use the language of parliamentary commentators), was put into the hands of a nurse that would strangle it. The object was, that the case should be exhibited by the committee in such a way as to present to the legislative body a full view of the desires of the petitioners. And if that had been understood, the consequence would have been, that the committee of ways and means were to take cognizance of this subject, it would have

been differently constituted—and he would now say that if the committee on manufactures was, (in effect), to be abolished, the committee of ways and means ought to be reorganized. The committee on manufactures, as it has been reorganized, with a view to this particular subject, it was composed of six members in favor, (Mr. S. was understood to say) of the protective system, and three opposed to it. This was all it should be.

After dwelling on the position that the reference to the committee of ways and means would amount, in effect, to an abolition of the committee on manufactures, Mr. S. went into an elaborate historical review of the origin of the protective system—tracing its subsequent progress from the origin of the government, as sanctioned by the recommendations of every successive president, from Washington to Jackson. For this purpose, and in illustration of his views, and to show that the protective system had been recommended and followed up as the permanent and enduring policy of the country, he quoted largely from executive communications, laying especial stress on those proceeding from Jefferson and Madison.

Mr. S. concluded by an urgent appeal to the house to send to the appropriate committee on manufactures this great subject of protection to American manufactures—a subject which, he said, had now arrived at a most critical and eventful period in its history. If ever there was a time when it needed examination and investigation, that was the present time.

Mr. S. spoke about two hours and a half, during which he read largely from various documents illustrative of his positions.

Mr. Sellers took the floor.

An adjournment being called for, Mr. Sellers gave way.

Before the question of adjournment was put, Mr. Stanley by request—moved that his colleague, Mr. Sheppard, be excused from serving on the committee of expenditures on account of ill health. Granted.

The speaker communicated the annual report of the secretary of the treasury. Referred to the committee of ways and means, ordered to be printed, and 10,000 copies ordered.

Then, at a quarter before three, the house adjourned.

TUESDAY, DEC. 21. Mr. Warren, of Georgia, attended in his place.

The house resumed the consideration of the resolution to refer to the committee on manufactures that portion of the president's message as relates to the tariff to the committee on manufactures.

Which resolution Mr. Atherton had heretofore moved to amend by striking out the words "committee on manufactures," and inserting the words "committee of ways and means."

Mr. Sellers, of Md. expressed his surprise that on a simple question of reference between two standing committees of the house the entire policy of a protective tariff should have been drawn into discussion, and an effort made to control the votes of members by their general views for or against such a policy. For himself, he should be governed in his vote not by the general question of the constitutionality or expediency of a tariff for protection, but simply by the nature of the functions assigned, respectively, to the two committees in question. The committee on manufactures had originally been raised for the consideration of the question of protective duties, and the whole subject of the tariff had always been referred to this committee, and never to the committee of ways and means. He was disposed to depart from the established practice of the house. Mr. S. said that although a tariff debate did not legitimately belong to this simple question on reference, yet as gentlemen had succeeded in eliciting, to some extent, an expression of opinion in different quarters of the house, he was disposed to consider what were the sentiments in relation to it. Some gentlemen had taken the ground that even an incidental protection of domestic industry was unconstitutional, yet our most enlightened statesmen had held and ably defended the opposite sentiment. And it was absurd to submit to the government such a power, so utterly needless and inefficient, as it was to be able to extend protection to the industry of its own citizens. He declined going into the constitutional argument, but insisted that, on a mere view of expediency, no period could ever be so favorable as the present to regulate and place on a permanent basis the protective policy of the country. It was a subject to be dealt with less of collision and difficulty than in any past period. Our treasury was empty; the government was compelled from unavoidable necessity to devise a system of taxation to supply the deficiency in the revenue, and it might with comparative ease be now arranged to do while the purpose of revenue was secured; incidental protection might at the same time be extended to such interests as needed it. Mr.

S. contended that this was the idea intended by the president in that clause of his message which related to the subject of duties on imports; and so believing, he rendered the president his thanks for the recommendation. By a short but conclusive and convincing argument, the executive had shown that this could be effected.

Here Mr. S. went into some severe comments on the adverse doctrines of free trade and a "horizontal" tariff. So far as he could understand the gentleman from South Carolina and others who advocated such doctrines, they maintained that in laying duties for revenue on goods imported, it was equally to be laid even to incidental protection: more absurd position he never had heard advanced. Carry out the principle, and impose one uniform rate of taxation without any discrimination, and a tax that would utterly prostrate and destroy some sources of revenue would leave others scarce at all affected; and this, in effect, gentlemen's boasted principle would, in practice, create that every bugbear they so much dreaded, a protective tariff.

Mr. S. next directed his attack against what is called "the forty-bale theory"—a theory which first made its appearance in the house in the shape of an illustration by Mr. R. of the duties levied on the exports of South Carolina, viz: that the producers of exports were the payers of the whole duty on imports. This dogma contained the substance of the whole theory. Mr. S. utterly denied that it was true in fact, and facts, being utterly against it, were sufficient to upset the whole superstructure. When it was asked how could we prove the theory false by a *reductio ad absurdum*. If the position of this forty-bale doctrine were true, then it must follow that South Carolina, Georgia, Alabama, Mississippi, and a few more of our southern states, paid one-half of all the duties levied in the United States, because they raised one-half of the exports of the country. It would follow, too, that these were the only states that consumed foreign luxuries. But was the fact so? Was it not true that the non-slaveholding states consumed more of them than the slaveholding states? Was it customary to give these luxuries to the slaves? He believed not. But could carry the proof still further. If the doctrine were true, then the 7th congressional district of the state of Maryland could consume the whole of the foreign luxuries imported into the state; but to his certain knowledge this was not so: for he believed the city of Baltimore alone consumed more of them than the whole state besides, and he was not responsible than the city of South Carolina put together. A more ridiculous theory never was broached by the mind of any man than this far-famed forty-bale scheme. Mr. S. spoke with warmth against the notion that the ingenuity, skill and patient labor of our own countrymen were not to be protected against the injurious competition of foreign manufactures, when an American heart should continue to beat in his bosom he never could yield himself to so revolting a doctrine. He trusted to see the products of that skill and industry multiplied a thousand fold, and furnishing materials for a commerce which should whiten with its sails every wind and spread itself to the remotest limits of the world. To witness such a result our true policy was to cast a shield over the industry of our own people. "This the government could do: this it was bound to do."

Mr. S. here adverted to the absurdity of the policy which would throw open our ports to the manufactures of all the world, while, at the same time, our own products were sold and sold at a disadvantage in every market from admission abroad. And on this topic, he adverted to the duties levied on American tobacco, which he characterized as openly insulting to the government and people of this country. With many expressions of disgust and indignation, Mr. S. went into some details to show the state of the revenue as fixed by the revenue laws of different countries in Europe, commencing as he proceeded on the enormity of exacting such a tribute from the agriculturists of the United States to fill the exhausted treasuries of the aristocratic governments of the old world. He showed that the taxes on the produce amounted to seven tenths of the imports of the European governments amounted to upwards of thirty millions. It was a condition to which the American people could not longer submit without dishonor. And here he took occasion to do justice to a late administration which had used every effort, by negotiation and otherwise, to effect the redress of this great national injury, but in vain. In support of this position, he referred to and quoted communications from Mr. Stevenson, our late envoy to Great Britain: from which it appeared that, in reply to his remonstrances and representations, the British minister could not but admit the injustice and hardship of the tax, the inequality of the case, but pleaded in reply the delicate and hazardous nature of the task, especially in the present position of that country, of at-

tempting a reduction of its foreign duties. The intention of that government seemed to be that of the dying miser to his son: "My son, get money; honestly, if you can; but, my son, get money."

Mr. S. again adverted to the doctrine of the advocates of free trade. They saw and were compelled to see that justice and injury had been done to us by other governments, yet they could not give up their darling maxims: the theory must be carried out at all hazards and at every expense. He hoped the house would be governed by no such wild theories, but would take the proper means to put an end to a system of wrongs which was degrading and disgraceful to our country.

Mr. S. here adverted to the desire professed by Mr. Stale, in his speech of Monday, to have protection extended alike to all the industry of the country, whether free labor or slave labor. He trusted the gentleman and his friends would not "keep the promise to the ear and break it to the hope." He trusted when the law came to be framed that they would not turn about, and, having their own interests protected, give the go-by to every other section of the union. If they acted like true men, he would go with them to the last, but he should reserve the right to what he or others would like. He never would consent to protect one interest of the country, and leave another, which far more needed protection, wholly unprotected. Gentlemen need not expect this. He never would do it. Must Rhode Island have her cotton goods protected, and Vermont her sheep, and Pennsylvania her iron, and every state in the union be attended to, and the tobacco of Maryland be passed by? He trusted not. If that was the policy of gentlemen, it could not be known too soon.

Mr. Linn, of N. Y. said that ultra partisans on each side must yield something, and consent to take some middle ground; if not, the common sense of the people would before long do it for them. He would not consent to what he or others would like. He never would consent to protect one interest of the country, and leave another, which far more needed protection, wholly unprotected. Gentlemen need not expect this. He never would do it. Must Rhode Island have her cotton goods protected, and Vermont her sheep, and Pennsylvania her iron, and every state in the union be attended to, and the tobacco of Maryland be passed by? He trusted not. If that was the policy of gentlemen, it could not be known too soon.

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Mr. Staley here interposed and called for a *Vote*. Mr. Linn, of N. Y. said that ultra partisans on each side must yield something, and consent to take some middle ground; if not, the common sense of the people would before long do it for them. He would not consent to what he or others would like. He never would consent to protect one interest of the country, and leave another, which far more needed protection, wholly unprotected. Gentlemen need not expect this. He never would do it. Must Rhode Island have her cotton goods protected, and Vermont her sheep, and Pennsylvania her iron, and every state in the union be attended to, and the tobacco of Maryland be passed by? He trusted not. If that was the policy of gentlemen, it could not be known too soon.

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the interests of agriculture? Not because either commerce or a revenue stand in peculiar need of protection, but because there is a deficit in the treasury? He would appeal to every man of candor—why raise this question of a protective tariff because there was a deficit in the treasury? If the object was to supply revenue to meet the deficit, why not apply to the committee of ways and means, whose express duty it was to do very things of this kind?

But it was insisted that although the direct object was revenue for the treasury, yet taxes for revenue might be made discriminating so as to give an incidental protection to manufactures. A most absurd position. To want to secure that protection, in this view, to an object remote and incidental merely. Suppose the advocates of the tobacco interest should urge and insist on countervailing duties on silks and wines, on German linens and British broadcloths, and should therefore insist that the subject should go to the committee on agriculture. The subject should go to the committee on agriculture. The representatives of the cotton growing interest should insist that the duty on imports in exchange for American cotton was equal to an export duty on their staple, (a doctrine Mr. R. did not endorse, and on which he now expressed no opinion: he did not like to see a man from that country so easily understand them however as saying that all the imports were consumed by the producers, but that the exports were decreased in value to the amount of the tax on corresponding imports), and should insist on its going to the committee on commerce. Either of these demands would be just as plausible as that which involved in sending it to the committee on manufactures. Now, gentlemen might disagree on subordinate points, but the main object, viz. Revenue, should be ever kept in view. They might as well refer a clause touching the increase of the army to the committee on the territories, because the committee on the territories could not but be made to remember that their argument cut both ways: it was a two-edged sword, and they should be careful how they handled it.

The gentleman from New York (Mr. Linn) had disclaimed all hostility to the south, and had expressed his opposition to drawing lines between north and south. Mr. R. entirely agreed with him, but unfortunately the gentleman's premises and his conclusions were wide apart. The only tenable ground in this matter of duties was to have all the various interests of the country to rely on their interests, and if they protected those interests, they would find themselves struck at on some other interests. The gentleman from Maryland (Mr. Sellers) had looked at the national honor; but if he looked a little closer into his heart perhaps he would find there self-interest overruling all other considerations. The gentleman from New York (Mr. Linn) had looked at the high duties on silks and wines, on cloths and linens; now possibly he might find that his northern friends who went so strong for protecting home industry would not relish very high duties on these things, because they did not compete so much with domestic manufactures. They would possibly prefer to have the money duty protected for themselves. Thus it was, the moment we legislated for one we came against another. Let gentlemen rather refer the matter to a committee which went for neither, but was supposed to be unbiased.

The tariff was to be raised to supply revenue; this was the ground taken by all. Now the first question was, how much is needed for this purpose? And how should the committee be instructed? From the report of the secretary of the treasury, it was known that the committee had that report been referred to the committee on manufactures? No; but to the committee of ways and means. The requisite information was now before that committee, and the subject should go to that committee.

But the house had been told that this subject should go to the committee on manufactures because the committee of ways and means had so much business before it.

[Here some explanations passed between Mr. R. and Mr. Fillmore, chairman of the committee, who declined having ever returned to take charge of the subject.]

No doubt the gentleman's objection, from the mass of business, had arisen from his great uneasiness; but would the house relieve the gentleman and the country from the more weighty subject, that they might have time to attend to what was of less moment?

As to the argument from precedents, it had little weight. Admitting that the subject of the tariff had always heretofore gone to the committee on manufactures, was it now under a new political dispensation. All previous tariff laws from 1789, when this committee was first raised, down to 1823, had been referred for protection. True, this idea was kept out of sight in the titles of the bills, and the existence of a national debt furnished a ready excuse for

passing them; but the debt was under speedy liquidation, and all those laws were clearly for protection of manufactures. Under such circumstances, it was right to send the tariff to the committee on manufactures; but since then a compromise act had passed, and it looked to the ultimate abandonment of the whole principle of protection; and it proposed a compromise of the whole subject, the subject should be referred for an economical administration of the government. The great question now was this: shall we adhere to the principles of the compromise act, or shall we return to the doctrine of protection?

Mr. R. was opposed to discriminating duties for protection. He did not envy the manufacturing interest, nor would he deny that they should have protection which they must unavoidably derive from a uniform duty. They, and they alone, would be protected by that duty. If 20 per cent. was not enough for the purposes of revenue, he would go for 50 per cent. and manufactures would get the whole benefit. At least, it was conceded that their other interests would derive any protection; but that manufactures must wait palpable.

What the views of the president actually were on the matter, he knew not and cared not. That he expected to be for discriminating duties every one might have seen. He had said that he was not a slave, but whether he really was so, he must leave to the president's friends. The advocates of protection were welcome to his aid. But what had the house to do with his personal views in the matter? How often must this opinion of the president be hugged into that man's mouth? How often the subjectivity of some gentlemen carry them? Must the views of the executive be consulted on every trifling matter, even to the question of referring a paper to a committee? It will become the representatives of a free people and a great party, whose motto had been resistance to executive dictation. Here he quoted the message, that he was; but he denied that therefore this subject must go to the committee on manufactures. Unless this was resisted, that house would at length become a mere "bed of justice" to register executive edicts.

One word to the gentleman from Pennsylvania, from the Pittsburgh district. That gentleman had done his best to convert this matter of reference into a party question. He had called on the whig party—a party in which the gentleman had, it seemed, had all confidence—to protect domestic industry. He had called on the whig party to support the tariff alone in Pennsylvania were for protection; whether there was not a great democratic party who advocated it in Jackson's day, and afterwards ran a man for president who had voted for the high protective tariff of 1828? And whether he had been

Had the whig party ever pledged itself, as a party, in favor of protection? No. But there was one pledge which it had openly made in every state, and county, and city, and hamlet of the land—a pledge to give the country a fiscal agent, and to reform the currency. He called on the gentleman from Pennsylvania (Mr. Irwin) to come up to his pledge—to reform the currency—and that without regard to executive dictation. Was the gentleman ready to redeem that pledge? When he had done that, it would be in somewhat better taste to call on the whigs to protect domestic industry. But the gentleman had not done that. The question would or could become a party question, and so he would find it.

The gentleman from New York (Mr. Linn) had spoken very respectfully of the gentleman from New Hampshire, (Mr. Morton), who had moved this resolution. Though that gentleman was not of Mr. R.'s party, he thanked him heartily for the moral man's subsequent course, and said that that could no more be made a party question than could abolition.

In conclusion, Mr. R. disclaimed to "speak for the south"—he had heard that dose till he had been often disgusted—but he would say that he believed there was no party in the matter. The free-soil men of the United States who while they did not themselves ask for protection of any kind, did not intend to submit to unequal and onerous exaction.

Mr. Butler, of S. Carolina, considered it of very little importance to which committee the reference of this portion of the message should be made. So far as the composition of the two committees was concerned, there was little difference in them; but, on the ground of principle, all questions relating to revenue should properly be referred to the committee of ways and means.

The gentleman from Maryland, (Mr. Sellers), had a very summary method of disposing of all parties in the way of his conclusion. He had made allusions to the state of South Carolina. He had

said that state was occupied by a few heretical theories, but he had not examined them; he had declared, in simple denunciation only, that the opinions entertained in South Carolina were ridiculous and absurd. He had not only not examined the character and principles of South Carolina, but he had misrepresented them. There was no party in South Carolina that was hostile to manufactures, or disposed to destroy or demolish them. The whig party in that state was as friendly to manufactures as any portion of this country; but not so friendly to them as to be willing to have their interests taxed for the benefit of manufactures—as to be willing to see manufactures forced into existence by destroying all other interests. They were willing to destroy all other interests, but they would not see their interests destroyed. They would not see their interests more at risk; but they were unwilling to see it done at the expense of their interests. Gentlemen had taken occasion to allude to the course of South Carolina on this subject in such a manner as clearly proved that they did not understand her principles. That the examination of the course that had been taken by South Carolina, they attacked her principles, let it be done with fair argument and reasoning, and not with denunciation.

The gentleman from Vermont (Mr. Stale) did not understand the principles of South Carolina, or appreciate her patriotism or devotion to the interest of the whole country. He had said that he had taken for his text certainly a very isolated fact, that the message of every president of the United States since the organization of government had favored protection; and on that had brought up an argument that manufactures were to be protected. He (Mr. B.) had listened with great attention to hear either gentleman say what he meant by protection; and he had not heard it alluded to yet. Did they mean to carry the duties beyond twenty per cent.—or lay the whole burden on a few articles, and leave others free? If they did, he protested against it. So far as they were concerned in South Carolina, they would not discriminate against manufactures. They were not of manufactures; they were disposed to have the manufacturing, agricultural, and commercial interests stand on their own footing; they were unwilling to be taxed to support any class of manufactures.

Allusion had been made to one subject he had hoped to have been better left alone for consideration. One gentleman had said that in an article in which slave and free labor might be concerned, he would make a discrimination in favor of free labor? He (Mr. B.) would not regard this otherwise than robbery. The highway robber never uttered a wordier phrase than plunder and robbery than this, from gentlemen knowing that the south were guaranteed by the constitution of the United States in the full possession of this property, and that this property should be secure to them; that they were to be allowed the same privileges under the constitution, and that was the ground on which this constitution was founded. South Carolina (they the north) had with respect to their free labor, and now the unblushing clerimony was exercised by the gentleman, to come on this floor, and say that he would disregard all these obligations, and destroy their property, sooner than his favorite interests should be protected.

Mr. Linn requested the floor for an explanation; which being granted, he said that the gentleman from South Carolina had been either very inattentive, or had entirely forgotten what he (Mr. L.) had said. He did not in the first instance, or finally, make the distinction between slave and free labor. He had expressed his opinion that the tariff was unnecessarily made before them on this and kindred questions; and had then said if this issue must be made—if in the adjustment of the tariff the question was, which system shall you support, the free or slave system? he felt bound, in conscience, to go in favor of the free system. And he trusted, as an American citizen, he might be permitted to avow these principles on this floor.

Mr. Butler continued. He had not misunderstood the gentleman. The gentleman had put the condition that if this question were raised, he should take the side which he said he was bound to take in philosophy; it was against this sentiment that he (Mr. B.) had protested. He said that the gentleman had been dishonest, good faith, and all regard to constitutional obligations would never sanction. No man who had watched the course of things in this government and the circumstances in which the constitution was shattered by the states, could deny the fact that slave labor came into the government exactly on the very footing with other labor.

The gentleman from New Jersey, (Mr. Randolph), and the gentleman from Pennsylvania, (Mr. Irwin), had called on the whigs of the south to rally under their standard, and support protection. He (Mr. B.) as one of the whig party, never appeared with such a standard; he recognized none such, he had come

forward to correct the abuses of this government, which they, (the whigs), believed had crept into every crevice and department of this government; but he had never expected to be hailed by gentlemen from the north, in this bold and barefaced effrontery, to come forward and assist them in laying taxes on the south for the benefit of the north. All the gentlemen had said they were for protecting domestic labor, meaning to exclude slave labor. They would say, as a gentleman had remarked yesterday, that South Carolina might be considered in this country as a foreign nation, but not when the question of free trade and slave labor was considered. All the duties laid by this government on foreign articles were to that extent a benefit and assistance to domestic manufactures, whether the duty was ten, fifteen, twenty, or twenty-five per cent. The moment they carried a duty to such an extent as to prohibit the introduction of foreign articles, it was exclusively a duty for protection and not for revenue, and the very object of government would be directed to the protection of manufactures. As understood, the question now submitted was, whether, in this adjustment of the tariff, they would confer it to the purpose of the protection necessary for the most economical administration of government.

Thus far he was as willing to go as any body; he was in favor of such a tariff; but the moment they transcended it, they carried duties so high as not only to destroy revenue, but exclude foreign articles, and he could not sanction.

Allusion had been made to the protection the south receives on her cotton, but he had heard no gentleman pretend to intimate that this was not merely a nominal duty. Whence might the south expect to meet competition for her cotton? It had been said, from the East Indies; but this was not now the case, and it was not now the case would be. The duty on cotton was merely a nominal duty. The gentleman from Vermont, (Mr. *Shale*), had gone into distant fortitude, and prognosticated what would be the state of the case hereafter. He had differed with some in one particular; he had not definitely fixed the duty on cotton, and he would have said, but had said "the time was not far distant" when the duty would appear in this hall with appeals for the protection of manufactures. He, (Mr. B.) could not say whether the gentleman was correct, but he now saw no indications of the kind whatever.

One question that had arisen in this discussion was, (the president's) in his annual communication, had favored protection or only recommended a tariff for revenue. This was perfectly immaterial. So far as he, (Mr. B.) was concerned, he professed to be governed by no opinion the president might declare here or elsewhere. If the former history of his (the president's) had been against protection, Mr. B. should regret that since his elevation to the presidency he should have changed his opinion, and fallen into the councils of other people, so that they might not have the benefit of his aid in opposition to protection.

He *Butler* having concluded, on motion of Mr. *Sellers*, the house adjourned.

WEDNESDAY, DEC. 22. Mr. *Cushing* rose and gave notice that he would hereafter ask to bring in a bill regulating commercial intercourse with the port of Cayenne, in the colony of French Guiana, and to recruit certain duties.

The house resumed the consideration of that branch of the resolution of Mr. *Fillmore*, providing for the carrying of the message to the president, in which Mr. *Althoff* had heretofore moved to amend.

Mr. *Marshall* observed that it did not seem to him to involve any difficulty, or justify to authorize the extent of debate to which it had given rise: it was a simple question of references, which, in itself, involved no difficulty in relation to the question of the duties, either on one side or the other, of the much debated question of the tariff. It was a mere question of parliamentary propriety, as between two of the standing committees of the house, to which of them a certain portion of an executive communication should be sent. To Mr. M. it appeared that an error had been committed in the communication referred to must at once settle the matter. [Here he quoted from the message the passages referring to an increase of duties.] In these passages he understood the president as intending to intimate it as his opinion that, although duties could not be levied on the amount of revenue actually needed by the government, yet in the imposition of them congress might legitimately have an especial eye to the protection of the domestic industry of the country, and might so frame its legislation that the taxes needed by the treasury might incidentally meet the end. If that was the opinion of the president, and congress was called upon by him to lay revenue duties with a view to guard the domestic industry of the people, without transcending

the amount needed by the exigencies of the treasury, could there be any question that the committee on manufactures was the appropriate committee to which to send the portion of the message containing such recommendation.

There could be nothing so fatal to the peace and to the union of these states as the agitation of questions in which the interests of slave labor should be set in opposition to those of free labor—in which a line was drawn between different sections of the union, as if their interests were hostile to each other. And the idea was attempted to be established that a government of this country could not exert the power conferred upon it by the constitution to establish a uniform system for the regulation of commerce without arraying one-half the country against the other, and benefiting the one at the expense of the other. Mr. M.'s views of the general subject were completely different. The fact that slavery prevailed in a portion of the land, and not in another portion, far from in connexion with the diversity of products and of pursuits among different portions of the country, had always struck him as one of the strongest possible elements of our national union. What furnished a more solid foundation for the interests of commerce than that diversity? Or what has been a stronger basis for peace and amity among different nations of the world?

In theory the doctrine of free trade was, he confessed, very imposing. And if theory and philosophy had the remodeling of all the states and governments of the world; if a political economist were set up to be the arbiter of the destinies of the earth, if all national rivalries, and national antipathies and enmities and prejudices could be softened down by the mere force of reason, then indeed it might do to adopt the maxim that industry and capital must be let alone—that capital would find out such investments as were most profitable, and industry would conduct the exchange of its powers with the most productive, and legislation might look on with folded hands and admire the free working of the system.—Yes, it would be a beautiful spectacle; we should have a perfect Utopia of a world. True, one nation would still be richer than another, from mere natural advantages, of climate, of soil, of position, &c. But, alas! political economists were unable thus to arrange things. No mere theorist was set up as umpire to settle all questions among the nations. Nations, ever since their existence, had been contending, struggling for pre-eminence, and they were not likely to be contented with the position they would mediate upon us the fair and beautiful doctrines of free trade, and to hear them one would suppose that no other policy had ever been thought of in Britain. But, when we looked at the actual policy of England, did we find free trade? Did England exchange with Great Britain for the benefit of her exports and their own investment? How had that empire attained to her present vast height of prosperity and power? By giving every practicable protection and encouragement to the industry of her people; by attracting and domesticating to her utmost ability the manufactures of the whole world. No sooner did a new branch of manufacture rise up in any part of Europe, than England tempted those who practised it, by protective duties, by bounties, by personal rewards, by every seductive means within her reach, to settle in England. And no sooner was the exotic planted on her shores than it was sure to receive the fostering patronage of the government, until it had attained its roots firmly into the soil, and attained a firm luxuriant growth; and by this policy, steadily pursued, she had risen to her present national strength and greatness.

But we were exhorted to throw open our ports to all the world; we were to welcome the products of every foreign nation, to receive all they chose to send, while at the same time they excluded, with watchful unsleeping jealousy, every one of our products whenever they had any similar ones of their own to foster. This was a pretty system of free trade!—America has a staple, for example, in cotton manufactures; but Britain has a staple in British manufactures; but Britain has rhetorically seized her ports against it, and we are still to go and buy of her, and call it "free trade." The theory of these political philosophers might come nearer the truth had all nations, in the race of commercial rivalry, started at once, and we were contented with that of foreigners engaged in the same occupations. Under such circumstances, would gentlemen preach to us the theories of free trade? It was vain to say that capital and industry would ever flow into the channels of manufacturing

production of themselves, unaided by the protection of legislation without government, and even in their incipient stages, manufactures never could start. Our soil might be fully opened and cultivated, and a large redundant population might grow up upon our soil, yet these extra hands never could become manufacturers unless under the safeguard of legal protection. And the moment that government should commence any branch of domestic manufacture, the foreign capitalist, whose capital was invested in that manufacture, and who had heretofore supplied our own market, would put forth his whole strength to crush the infant rival, and crushed it might be unless the arm of government intervened to shield it.

Mr. M. wanted to see the day when under the protecting arms of the government, extended over every branch of our own domestic industry, (and here he knew the danger of running his head against the "compromise act"), all that could be produced here would be produced here, and the home market would be that of all markets. When we bartered with foreigners, a portion of the profit, perhaps the larger portion, went into the pocket of the foreigner. But if we traded with our own people, the profit was *American*, all around. If the profit went to the English, and the profit went to England, but when we traded with the south traded with his brother in New England, America got the whole—double the amount was made and saved to the nation.

AY, but how would all this interfere with the compromise act? And what was the compromise act? It was a law passed in 1833, fixing a uniform duty of twenty per cent. on all imports, after a certain day, but very generously leaving it in the power of congress to fix the rate higher or lower, if the necessities of the government should require or permit, according to the excess or the depletion of the treasury. Why so much sensibility had been exhibited in connection with this act, Mr. M. was unable to understand. For his own part, even if the law had contained no such saving clause, no such reserve of power to the government to vary the rate of duty, he should deny its authority *in toto* as a rule to bind the legislation of congress. He denied the power of any congress to bind the future congresses by any constitutional sanction and sacredness for all future time. As a temporary expedient—as a means of soothing and allaying political and sectional exasperation, it might be all very well; it might even have been wise for the time then present. South Carolina had formerly been a very peaceable and amiable state, most of open hostility; and the executive of that day—than whom, in popularity and in power, there never had lived a greater upon earth—had put his hand upon his sword, and threatened to turn its edge upon the south. Great men, on either side, were identified with the controversy, and its progress had embroiled the whole country in a state of high and alarming exasperation. It was feared by good and wise men that the peace of the union might be endangered; and under such an ominous juncture of circumstances this compromise bill became a law. As a measure of policy, as a preventive of evil, it was wise, considering the times. But, to meet us at this day, in 1842, and tell us that a law passed in 1833 has power to bind this government to all eternity, as a compact—as an organic, fundamental law—was to advance a proposition to which Mr. M. never would yield his assent. He would never assent to a law which he felt so to bind the congresses of the United States. According to the fluctuations of circumstances, of policy—yes, even of public opinion alone—that law was repealable; the power of congress to repeal it was indisputable.

Mr. M. did not say that he was in favor of laying duties beyond the amount required for revenue, for the mere purpose of protection. The propriety of that was a debatable question; and much might be said, and had been said, on both sides. The power to regulate commerce had been absolutely and unconditionally confided to the general government, and when we were asked to regulate commerce, we must refer to the universal sentiments of the notions of the earth. And why grant a power to "regulate"? The history of the world would prove that the most arduous struggles had in all ages taken place in reference to it, and that the sword had often been drawn to settle the controversy. The members of the constitution were well acquainted with the history of the past; and when preparing a frame of organic law for this young, this nascent nation—the long vista of future grandeur, power and wealth, the fruit of successful industry, rose before them with a new era, and they were anxious to provide this provision as a means of arming the government with power to resist the attacks of foreign rivalry; and the government must have been powerless without it. But for this, and Great Britain would at this day be the regulator of the commerce of this nation. Nothing could have

sorted to simple denunciation. The gentleman from Maryland, (Mr. *Sellers*), had said it was ridiculous, and some other member that it was absurd; yet none of them had met the proposition and endeavored to show, either by facts or reasoning, that it was untenable. He, (Mr. R.) believed it to be strictly true. There were those who contended that government had the power in the use of laying duties for protection on the ground of providing "for the general welfare;" and others who claimed this as an incident to the power of protecting commerce; but the ground that had been taken in justification of protective duties, by all who had preceded him, except two gentlemen, was that the power of laying duties for protection was incidentally included in laying duties for revenue. The gentleman from New York, (Mr. *Linn*), and New Jersey, (Mr. *Randolph*), had said his, (Mr. R.'s) proposition was absurd, and proceeded from the error of not properly discriminating between protection and prohibition. This he held that while you cannot lay a duty for revenue that produces prohibition, you may lay a duty which produces protection. [He here read extracts from the reported speeches.] It was admitted by them, if the duty was pushed up to prohibition, it would destroy revenue. Suppose, then, the duty was raised to one-third, or one-fourth, he asked, was not this revenue destroyed in that ratio? Therefore, taking the gentlemen's proposition that prohibition did necessarily destroy revenue, and therefore a duty proposing it was incompatible with revenue, their reasoning against protection was as good as proved to be entirely false. Why did not practical gentlemen go into details and facts to test the truth of their principle?—He would take the proposition of the gentleman, (Mr. *Linn*), and go through the process of protection and prohibition.

The gentleman had supposed that, if a tax was laid on iron of \$100,000, the foreign manufacturer could stand it. But he contended that prohibition would in this manner make the price of the commodity so high that he could not bring it here and sell it, and the domestic producer would be enabled to undersell him. Prohibition did not at once go into effect; it was only gradually that entire prohibition accomplished. He could not see how the principle of restraining the article of iron, on which, if a duty of 50 per cent. were laid, the manufacturers of this country would not be able at once to produce the domestic article in sufficient quantities; at first, they might not produce more than one-quarter of the supply, and would increase gradually until they could meet the demand. If the sale of foreign iron would cease, and revenue entirely cease; and he asked gentlemen if, when entire prohibition produced destruction, the destruction was not in proportion to the degree of prohibition? Gentlemen need not call the part protection, and the whole prohibition; it was prohibition from its intensity up to its consummation; the moment they began protection, they placed a lever by which the foreign article must be worked out of our markets. What was prohibition? To keep out the foreign article; it was, if they kept out one-fourth or one-half of it, it was prohibition. Protection was prohibition, and prohibition was protection. Let gentlemen meet the proposition boldly and fairly, but not come here with the humbuggery that a tariff for revenue is inconsistent with a tariff for protection; if they want for a tariff for protection under the commercial power, or the "general welfare" let them question the ground. The gentleman from Kentucky should be argued, not with mere words, not against facts, but on the broad principles of the constitution. The gentleman from Kentucky (Mr. *Marshall*) this morning had claimed from the commercial power—the power to regulate commerce, which was our department of industry, power over every department. It was not his (Mr. R.'s) argument that it was unnecessary for us to become dependent on any foreign nation? He (Mr. R.) would like to hear by what sort of sophistry it could be shown that we were subject to foreign nations, and they not to us; but that was his argument, and he would not use it; he would supply his self-sufficiency in other words, would make it a new specimen of the Chinese empire. According to the theory of certain gentlemen, as soon as we shall get into that predicament, the other nations of the world would turn on us and eat us to pieces, for drawing to ourselves an independent power. The gentleman from Kentucky knew that, under the very clause of "regulating commerce," the power had been assumed to interfere with our slaves, and hinder us from carrying them from one port to another? This was a striking commentary on the looseness of his construction of this power. The power was given by the states to congress to "regulate commerce," to secure communication between different parts of this country, and not to strike down the commerce of the country.

This was not a local question, but was as wide as the constitution, as sacred as the union. If the constitution did not on either of these broad grounds justify the protecting of manufactures, then its use presented was, shall the protective policy or the constitution prevail? If the protective policy were persevered in, the constitution would come to an end. If the constitution were persevered in, it would have a view to any particular interest; the power was to lay duties for general purposes, and not for special reasons alone.

The gentleman from Kentucky (Mr. *Marshall*) had referred to the compromise act. This act had no constitutional sanctions; they could repeal it when they pleased. The question now was shall you renew the protective policy in 1842, or adhere to principles laid down in this compromise, which are productive of the best interests of the country? Who are the parties to this controversy? He would turn to the people of the country, and see how many of its inhabitants compose the manufacturing interest. Formerly, it had been said that banks were the people; now the same thing was repeated, and the protective policy was said to be the people. The total population of the United States was something over 17,000,000; and these were divided into manufacturers and trade were seven hundred and ninety-one thousand, and he was informed that in this number were included all mechanics and day laborers of every kind, and almost half the peasantry of New England. These should be deducted, and then they would be left 1,000,000, and these engaged in manufactures. The agriculturist was taxed for every thing he wears for the benefit of the manufacturers, this small proportion of the people of the U. States. What right had government to tax one man for the benefit of another? It was contrary to every principle of justice that they should be called on to support a legislature to legislate for the people, and to be opposed to despotisms, no longer to legislate for the few, but to carry out the great principles of equal legislation for the benefit of the many.

They were told by gentlemen who held these doctrines that they were legislating for the south. If they were told that they intended to make us pay for some thirty years higher prices than we otherwise would, but they intended to make prices cheaper in the end; and for this purpose the present generation was to be bound down under the weight of oppressive taxation. When had the world witnessed such an anomaly as this? The very object of gentlemen named in the articles dear the manufacturing interest could not live without taxation; they lived on the oppression of the country; and still gentlemen said they were legislating for the labor of the country, and that those who opposed them were forcing against the interest of the country. They were sprung into existence and the convulsions of war and the distress and suffering of the country. The gentleman from Kentucky had represented this government as hostile to the manufacturing interest, and said that manufacturers sprung up without the help of government. There was no subject of protection, if it had legislated for any section of the union, had legislated for New England alone. He (Mr. R.) was willing that these interests should receive all the benefits resulting from a fair construction of the constitution; he was no enemy to them; but when they were called on to sustain a tariff, at war with every principle of right, it was asking too much.

Where originated the doctrine of the unconstitutionality of a protective tariff? In the south! Not the time when New England was affected by it in the same manner as the south, and still then opposed the doctrine. There were those in New England, as Mr. Story, of Daniel Webster, and others, in favor of the unconstitutionality of protection. The very men who formerly maintained the unconstitutionality of a protective tariff now urged it on us. He did not think, as had been intimated, that this government was in favor of duties for revenue; on the contrary, he had said at the last session that he did not think the duty on silks should be 20 per cent; but in laying duties for revenue all the departments of industry should be equally benefited; and as large manufacturing establishments had sprung up, and the country was still less willing to make a discrimination against manufacturers.

The gentleman from Kentucky had called on them to say when an interest had flourished, except by the intervention of the strong arm of the government? He (Mr. R.) referred to Switzerland, and said that the manufacturing interest had flourished without the protection of government. Protection, so far from making commodities cheaper, as had been contended, made them dearer. It was a law of commerce and competition, that when

the arm of the government was fetched to the support of any interest, prices never came down, and would be as cheap as otherwise. He had as much confidence in the growing greatness of our country as any one. Great Britain had not grown great from a protective policy, but from her free institutions. It was the liberty of Great Britain, as far as it existed, which had given her her greatness—which had quickened her industry. Our progress to wealth and prosperity had been impeded by the millions and millions of dollars paid to manufacturers. Were we to continue this course of tribute? It was nothing else.

This thing called protection was nothing less than plunder; the taking property from one man and giving it to another; nothing less than making one section of the country tributary to another. Gentlemen could not deceive the people as to the practical result of this whole policy; it was to tax the many for the benefit of the few. He had said and still indulged the hope that this congress would adjust the question in such a way that all portions of the country could stand together. It was not his desire that the different portions should stand in opposition. If the voice of one who was no enemy to the union would not be disregarded, he would say, if the course now threatened to be pursued was persisted in, they would face an issue between the different portions of the country and destroy our union.

He had seen it suggested in an abolition paper that, on the question of the tariff, a distinction was to be drawn between the free and the slave states; the gentleman rose on this floor, and, on a question of taxation, held that the free labor is to be protected against the slave labor, they put the torch to the constitution.

The doctrine of equal rights was the doctrine of free trade; the doctrine of free trade was the doctrine of Christianity; and the doctrines of Christianity those of peace. Under the influence of these our destiny was a glorious one: "the sword would be beat into the ploughshare." We should "know war no more," and all portions of the union would progress in harmony; but if the opposite principles were broadcast, and persisted in, war must come, and with it oceans of blood. But should we not hope that our destiny was higher and holier should we not take warning from the fate of other nations, and, adopting the principle of equal rights, move on united? It was said that South Carolina was the principle of the tariff, but all that the great doctrine which lay at the foundation of American liberty and the constitution, he would hang to his heart; he would not give them for the sceptre of Cæsar. Our destiny, he repeated, was to be great and glorious one, because it was "to do as others would that they should do to us," and our destiny would be onward with liberty and prosperity; but let the interests of one portion of the country be regarded as opposed to those of another, and American liberty and glory would set, and set forever.

Mr. *Rhett* having concluded, Mr. *Johnson* obtained the floor; but yielded to Mr. *Weller*, who, as the house do not adjourn, he adjourned.

THURSDAY, DEC. 23. Mr. *Thaagen*, of Mississippi, introduced his colleague, Hon. Mr. *Griffin*, representative elect from that state, who was qualified and took his seat.

On leave given, Mr. *Fillmore*, from the committee of ways and means, reported a bill for the extension of the duty on foreign iron to \$100,000, and for an addition of five million dollars thereto.

The bill having been read twice by its title, was referred to the committee of the whole on the state of the Union, and ordered to be printed.

On motion of Mr. *Cushing*, it was resolved that when the house adjourns, it adjourns to meet on Monday next.

The unfinished business of yesterday was the amendment offered by Mr. *Rhett*, to the amendment offered by Mr. *Johnson*, to the resolution offered by Mr. *Fillmore*.

Mr. *Fillmore* remarked, that although the present state of the treasury and of the public expenditures was in a considerable measure connected with the question now before the house—which question was, whether the subject of the tariff, as referred to in the President's message, should be committed to the committee on manufactures, or to the committee on ways and means—he would not have gone into the subject if he had not already been introduced by other gentlemen in the course of the debate.

The gentleman from Virginia (Mr. *Jones*) had adverted to a portion of the message of the President, and expected that the President would have provided thirty-two millions of dollars, and had remarked that here was seen the difference which frequently prevailed between profession and practice.

Mr. A. then adverted to the debt which he said, it was charged had been "bequeathed" to this administration by the last. Gentlemen would recollect the

various amounts at which that debt has been estimated by gentlemen of the whig party on this floor. And all would recollect that in the report of the late secretary of the treasury, a peculiarly striking illustration was taken to swell the amount of debt; that was, including expenditures that were to be incurred, and a balance that was to be raised for the purpose of being kept in the treasury. He (Mr. A.) could conceive of no other method of ascertaining the debt existing at the closing in of the present administration except by the treasury notes actually outstanding. The treasury notes outstanding on the 3d March last, if he recollected were a little upwards of five millions of dollars. Had that debt been paid by the present administration? Mr. A. here proceeded to contend, by reference to figures, that the present administration, instead of having paid off this sum, had increased it to millions. The only debt which was left to him had increased that debt to this sum of seven millions of treasury notes and about five and a half millions of loan making a total of twelve and a half million of dollars.

Something also had been said in the course of the evening in relation to the expenditure of the sum of thirty-nine millions yearly during Mr. Van Buren's administration. Now, there were documents which could be referred to, and which would show the amount of expenditures proper of that administration for each and every year. This was not a mere computation, but a statement derived from actual facts, as they were known to exist—for on this point the past at least was secure. It could be demonstrated by figures what these expenditures were. Mr. A. then proceeded to draw a parallel between the expenditures of Mr. Van Buren's administration and those of the present administration, drawing strong deductions in favor of the economy of the former, and eulogizing the plaus of reduction which, Mr. A. said were in successful operation, and contrasting them with the plans and propositions of the present "reforming administration."

It had been said that the expenditures which had been incurred were attributable, in part, to the votes of the Van Buren party. Was that the fact? Did the Van Buren party cause the vast expenditures of money attendant on the especial session—a session which that party regarded as having been so unnecessarily called? Mr. A. here said, "No," and, "that the whigs had held power was extended, and, though but time was sometimes measured by the lapse of events as well as of years, or months, or days. And the time had been long enough to hold an extra session; and, lessons of misrule had been hurried upon the brief period of time which, ordinarily speaking, years could beget. It was, however, brought forth. Mr. A. then alluded to the results of late elections, remarking that these results must have taught the most obtuse that victory had returned to its accustomed standard, and that the glorious democratic banner, temporarily stricken down, now floated over the land in triumph upon every breeze. But to come more immediately to the subject before the house. The sole question was, as he conceived, should the object of a tariff be to raise revenue or to afford protection? That, he considered, was the only question involved in the issue before the house, and he was permitted to say that those who suggested that the doctrine of free trade were designed for the exclusive benefit of the south did injustice to those expansive, enlarged, and liberal doctrines.

For his own part, he considered that these doctrines were well calculated to open the eyes of the portions of the union; he conceived them calculated, he would not say to protect—but because that word had been so much misused—to give free scope to industry, and to encourage every class of society. They were calculated to prevent special legislation for special interests, and to prevent the enactment of laws that he regarded as their great enemy.

Reference had been made to the state which in her part represented—made, too, in a somewhat unkind manner—by a gentleman from New York and a gentleman from Vermont. This reference he thought recalled for. The legislature of the state of New York, at various occasions, passed resolutions expressive of their opposition to the question of constitutionality and inexpediency of a protective tariff—resolutions couched in strong language. Those resolutions emanated from representatives who expressed the opinion of a large majority of the people, and that state, the seat of the great city of New York, though sterile in soil, had nevertheless a large mass of territory containing probably as much grain, corn, comfort, intelligence, competency, and education as universally diffused as any other section of country, of similar extent, in the United States. But he recalled that they understood their own interests, and did not need to be reminded of the conduct of Vermont from New York or Vermont. The gentleman from

Vermont (Mr. *Stark*) had said the people of New Hampshire had been long in a bad school. Well, they had not been educated in the anti-masonic school, nor in the national republic American system school, nor did (Mr. A.) conceive that an enlarged patriotism consisted in applying the torch of the incendiary to the glorious temple of our union.

Whether he represented the interests of his constituents or not was a matter between him and them; but he believed that he had done his duty for his people, by an election held since his own, that he misrepresented his constituents, he would scorn to hold his seat. Whether that was the case with the gentleman from New York (Mr. *Linn*) he (Mr. A.) could not know.

He concluded by the declaration, that if the objection against this portion of the message, made in his judgment, to go to that committee which had jurisdiction of the subject, and not to any committee which was bound to look to any particular interest or any particular class.

Mr. Reynolds said for a few moments he would drop his drop into the bucket of free trade. The subject was of no importance to the country, in all its consequences. His constituents in southern Illinois believed in the principles of equality. All the taxation in the state of Illinois, under their constitution, was laid according to the distribution of property. He was prepared to say that his constituents would be willing to pay direct taxes; but this was the proper mode, and before ten years had passed we should see this government supported by direct taxation, because it was on the principle of equality. The president's message was right in one thing in discrimination, and wrong in the other. It was wrong in having certain branches of industry protected, but it was right when it went to discriminate according to the principles he had laid down—according to the property of the individuals consuming these articles. That was right, to saddle the tax on the individuals who had the most money. That was discriminating duty, and that was what ought to be discriminated. If he could demonstrate that to protect manufactures was to prostrate all equality, then he would call on them to come over and vote for equal principles. Was it right to tax ninety-nine out of one hundred individuals for the benefit of the one? No, because, you could saddle yourself without it. When you tax one man a privilege, you are obliged to make it from that man. He wanted not to depress manufactures, but to place them on the same ground with other branches of industry.

The gentleman from Kentucky (Mr. *Marshall*), yesterday spoke of the glory of England. He brought up the fly, and said, "England is the most powerful nation on earth, but it is becoming so by protection? Were there then thousands of poor individuals starving for want of bread? Was that an example for us? This reminded him of the fable of the fly and bees. The fly came upon the honey, and said, "I will take this honey." The fly was poor, cold, and hungry. The bee said, "I will fly to this fly, Go hence; your profession has brought you to this condition, and we do not want to learn your business. Could not this be applied to England? One great means of England's power arose probably from doing what it had been doing—running roughshod over the poor. China is simply left, so she refused to eat opium. England was also doing so. His maxim was, "an honorable peace, or a decided war." In his state there were but two manufactures. Was it right to tax all the other people of the state for their benefit? When the working people pay the tax, and the law says that they are taxed for the benefit of the manufacturers, they would give it up, and go against the system of protection.

Mr. Arnold said he had been advised by some of his friends to speak upon this question. They had said that perhaps a speech would have some beneficial effect on him. They were afraid, by his silence at this session, that he had accumulated rather too much sin, and that he might be tempted to do so. He might get relief. He had had no idea of doing so, until he heard the ranting, raving speech of the little gentleman from New Hampshire, (Mr. *Whitcomb*), but the very facetious—he must say the ridiculous speech of the gentleman from Illinois, (Mr. *Reynolds*), had almost put him out of the notion of speaking; but, as the gentleman hailed originally from the same section of country from which he came, he would endeavor to answer one or two of his positions.—They had heard an extraordinary speech from the gentleman from New Hampshire. He had come up here, and he had been ranting, raving a parallel between the expenditures of this administration and those of the late administration of Mr. Van Buren. It was a most extraordinary position. Whose administration was this? Was it a whig administration? He, (Mr. *Arnold*), denied emphatically that it was. It had not the least tincture of whig doctrines about

it. [Laughter.] No; it was the gentleman's own administration; it had merely changed hands. It was true, the people thought it was a whig administration, and they had heard Van Buren from power with scorn, contempt and indignation—more so, perhaps, than any man was ever hurled from the presidential chair; and there the matter ended. He had thought they had effected a revolution; the great mass of the people through the country had thought so. But the whigs had not been so successful in their plans, and, taking the lamented Harrison from us, had thrown this government instantaneously, at the moment of that venerable patriot's decease, into the hands of modern democracy again; and when a whig congress had been paralyzed in every effort by the executive, who had been elected by modern democracy, every hand modern democracy rises here and runs a parallel between the expenditures of Van Buren's administration and the administration of John Tyler, who was a worse loco foco than Van Buren! It was most extraordinary. Could a man listen to it with patience? No; sick as he was, he could not. [Laughter.] They, (the whigs), were not accountable, and did not intend to be, to this administration. The gentleman talked about a revolution. Yes; there had been a revolution, and one that this country would long feel, which began at the day of the demise of William Henry Harrison, whom they had elected. Were they accountable to this administration? Where was Harrison's cabinet? Only one of them was left, and he was in so questionable a shape that he had a mind to speak to him. And was that a revolution? What was there in any of the great measures of the late session that, as the gentleman told them had been condemned? He knew, from the indications there were in the public prints, that they who were the whig party proper on this floor were to be paralyzed at the white house. He knew that when they came here they were to be hardly tolerated in this house; that there would be an attempt to ride over them roughshod; and they had this day witnessed the beginning of that attempt from the great, lofty and gigantic state of New Hampshire.

As the gentleman from New Hampshire had taken such hasty offence at what the gentleman from Vermont had said, he (Mr. *Arnold*) could do him the favor to give him his opinion of New Hampshire—of the natural, moral and political state of New Hampshire. He should give his opinion on all these heads. He was not a native of New Hampshire, but he was left here were hardly to be tolerated this session, and they had seen the beginning of it this morning. They had seen it held out in the official paper here—he called it the official; to be sure there was a little split apparently on the subject of the "fiscally;" but on all other things he looked on the Globe as the more official organ of the whig party. The Herald, and that had been twitting them, and telling them how modest the great whig party were who had passed the "sag rule;" that they felt the rebuke the people had given them. He would teach the Globe, if this life was spared, before this session closed, how much he despised them, and how much he had of his opinion since the called session. The modern democracy was perfectly intoxicated at its apparent success at the recent elections at the east, the west, north and south; and were coming here and giving notice that they would repeal this bill and that.—Beautiful indeed! A revolution! [Laughter.] What people were the authors of this revolution? They were the "one hour rule!" Did the people want to hear six or eight hour speeches here at the called session, when the nation was bowed down and mourning under misery and wretchedness? Was the "one hour rule" the cause of the great revolution which they called a revolution? Was it the cause of the American people, so far as he had been with them, the intelligent part of the people, said that the "one hour rule" was a great and a glorious rule; and they hoped to see it inserted among the rules of this house as a permanent rule, because they say one hour is long enough for a man of sense to speak, and a great deal too long for a fool. It is his opinion that if that rule were put in effect, they might come to a vote on it, which they had borrowed from the democrats, that had caused this revolution? That was not original with the whigs.—The only original measure was the "one hour rule." The taking a bill out of committee originated with the modern democracy, and if that were put in effect, a revolution in this country, it was a most extraordinary state of things. What was it that had produced the revolution? Was it the distribution bill? That had not yet gone into effect. Was it the bankrupt law? that law of humanity in favor of the poor, over modern democracy, and so many reconcile tears, and which, I am sure you will, and every thing from him, for the relief of an unfortunate and honest poor man—for he must be honest before he can take the benefit of this law, which was a law of humanity, of kindness and gentleness? Could it be

that the people had been revolutionized on account of this law? It was not so. Modern democracy may cease to laugh on this subject. The revolution of which they speak is all imagination. It had been created by the apathy of the whigs—by the smoke from the artillery at the other end of the avenue.—The iron guns, which the whigs had mounted and charged, had been turned upon them.

He intended to have stopped this debate until the question could have come up fairly on the remodification of the tariff, but on the question of reference the whole matter had been opened, and they had gone on into the merits of Van Buren's administration and Tyler's administration; and the modern democracy were railing at Tyler's administration! That was the greatest blunder that he had heard; that the whigs were to be held accountable for this administration! Harrison was going to turn out the whigs and restore Van Buren's administration, while he allowed the clever fellows to remain in office. He (Mr. A.) was against proscription. He had said here and everywhere that he was opposed to it.—His district would tell what his feelings were. But the American people expected that the dishonest and incompetent part of the office-holders were to be turned out. And what was the unquestioned fact? Tyler had not only kept in office some who were considered most dishonest, but worse than that, the very dishonest knave that the sound patriot Harrison, who never removed an officer without cause, had put out of office, John Tyler, this modern locofoco, had kept in office, and he had been a modern locofocoism getting up, and telling us, "Justify your administration!"

He had thought that this system of burning treasury buildings would be stopped, but how would it be if Tyler kept in office these very rogues. Tyler had not only kept in office the wicked men, but he had kept General Harrison, who was never known to do any man injustice on the face of the earth, had turned out, Tyler had reinstated. And now the gentleman from New Hampshire says "your administration is so extravagant!" Should he (Mr. Arnold) sit by and hear these things said, and not contradict them and let the country know the truth? He would not do it. The country should know the length, breadth and height of Tyler's wickedness. He had nothing to ask of him. We had asked to have a modern locofoco, who just before the close of Mr. Van Buren's administration whopped about and became a Van Buren man, removed from office, and a man much more competent, whom every high member from the state recommended, to be appointed in his stead, but John Tyler and his secretary of state, between them, had kept in office the former incumbent against the unanimous recommendation of every high member from Tennessee.

If these locofoco principles were to be carried out, Van Buren might as well have done it as any one; and he should infinitely have preferred this to its being done by Tyler. When a gentleman "pitches and cooes," to use a homely phrase, as the gentleman from New Hampshire has done to-day, he ought to remember that all his efforts fall on the devoted head of Van Buren. Now, he acknowledged if there was a revolution—if, on account of the one-hour rule, or the mode of taking bills out of the committee, the American people had performed this great revolution against the whig party, and put the modern democracy in that place, and the whig party in the place of self-government. It was inconsistent with common sense. Why had not "petitiot Allen," with twenty-five thousand votes against him in Ohio, resigned his seat? Did the senators from Ohio regard the voice of the American people? No. Did the modern democracy regard the people? No. How was it at all decided? So it was in Ohio. How was it in Connecticut? Majority after majority had gone against the Connecticut senator. Did he resign? He called on men to act up to their professions.—Had Mr. Smith, of Connecticut resigned? No. How was it with Williams, of Maine? He held on to the whig party test "like yonder possum." (He wished this homely simile to be excused, for it was just suited to the subject.) How was it with Mouton from Louisiana?

The speaker said it was not in order to speak of senators by their names.

Mr. Arnold said he did not know that those he had spoken of were in the senate; they might be in the country—that they would have done it at least in the case of Tennessee? (He here referred to the inconsistencies of the "modern democracy" in that state.) That was his great objection to modern democracy; they went for the party, and not for the country. They never had, and never would present the glorious, the heroic spectacle of Harrison's cabinet. He looked at them as a bright, a glorious, a sunny light to this nation, they were round ready and willing, for the sake of their country, to lay down their offices—rich

offices, too—at a salary of \$6,000 per year. When did modern democracy ever give up an office? When she was choked off, and not otherwise. [Laughter.] [He here further referred to the course of modern democracy in Tennessee.]

He did not intend to discuss the question of the tariff at present. He merely wanted to convert the demagogical cant of the gentleman from New Hampshire. What was New Hampshire, that she should furnish a lever in politics, that must get up here and dictate to what committee this reference should be made? What was New Hampshire? A most barren and sterile piece of earth. He never could think of New Hampshire without thinking of black chilly rocks, of the screeching owl and prowling wolf.—Was she advancing in population? He believed not. She was the only state in the union that had taken a retrograde movement; or, at least, she advanced in population less than any other state, and was in favor of free trade! He would like to know what New Hampshire had to trade out. [Laughter.] On politics; that was all; it had been her trade for years.—He was told there was one manufacturing town in the state, and that was in the gentleman's district—he did not know but the very residence of the gentleman—that gave a large majority against him.—He would like to know if this was so.

Mr. Aberton said there was a great number of manufacturing towns in his state; they were interspersed almost throughout the whole state. The state was as much interested in manufacturing as any portion of the country. In some of the manufacturing towns there were majorities for him, and in some, against him. He said that there had been for a few years past a majority against him, not of five or six hundred, as had been intimated, but of from less than one hundred to two hundred, and perhaps a little upward. And for four or five years in succession, there had also been large majorities in his favor.

Mr. Arnold inquired whether that was recently? Mr. Aberton replied that it was within eight or ten years, and since the manufacturing establishments had sprung up there.

Mr. Arnold thought the gentleman's explanation rendered his position still more awkward. He had said his state was dotted all over with manufactories, and yet had gone for free trade! It had always appeared to him most extraordinary to hear American citizens denouncing home industry, and wanting to bring our country to dependence on France and England.

He concluded by remarking that he had been very sick, [laughter,] and had gone on longer than he had expected to have been able. But when the question came up, he would show the Globe, and modern democracy throughout the country, if his life was worth anything, that he had changed his opinion, and that the gentleman from Maryland (Mr. J. C. Johnson) had felt it his duty, in the organization of the house, to have moved the adoption of the rules of a (self-styled) democratic congress. He (Mr. A.) had voted against him; he would have the "one hour rule" voted up again; and if gentlemen with their own rule had taken bills out of committee of the whole, he would see how they would now go. Let them come forward with their bills to repeal the bankrupt law and the distribution bill, before it went into effect, and then let the people how these measures would ruin the country.

The speaker laid before the house a letter from the gentleman from Maryland, stating that the sixth census, or enumeration of the inhabitants of the United States, has been completed, and accompanied by a printed copy of the said census; as also a particular census of all pensioners of the United States, with their names, ages, and residences. The statistics and other matters of information which the gentleman from the census the secretary states are yet in progress.

Ordered, That the said letter, census and accompanying papers do lie on the table; and that the same number of copies of the papers in manuscript be printed, as have been directed by law to be printed of the census.

On motion of Mr. Fillmore, the house adjourned.

MONDAY, DEC. 27. Mr. Jeremiah Brown appeared in his seat.

The following committee was announced by the speaker:

Committee on the part of the house to arrange the placing of the statue in the Capitol.—Messrs. Green, of New Hampshire; P. Knapp, of Maryland; Paulding, of Ohio; C. J. Ingersoll, of Pennsylvania; and Mallory, of Virginia. [Messrs. Preston, of South Carolina, King, of Alabama, and Cheate, of Massachusetts, are the committee on the part of the senate.]

The debate on the reference of the tariff was then continued by Mr. Weller, who expressed himself in favor of referring the subject to the committee on ways and means and addressed the house for nearly an hour.

Mr. C. H. Williams, of Tennessee, followed and spoke for about half an hour taking the ground, that a high protective tariff was now entertained by nobody on the floor of congress. He denounced the president and called for greater economy and retrenchment.

Mr. Henson, of Massachusetts, then addressed the house in a long and argumentative speech, supporting its reference to the committee on manufactures and at 3 o'clock, gave way to a motion for adjournment, and the house adjourned.

TUESDAY, DEC. 28. The house having met, Mr. Hudson, resumed, and concluded his remarks.

Mr. Payne, of Alabama, then took the floor, and maintained that the government had not the power to discriminate for the purpose of protection.

Mr. Backs, of New Hampshire, followed and defended his state against the remarks of Mr. Arnold, and was succeeded by Mr. Eastman, of N. H. who also advocated the reference to the committee of ways and means and was continuing, when on motion, the house adjourned.

WEDNESDAY, DEC. 29. Mr. Giddings, from the committee of claims, reported the following resolution:

Resolved, That the committee of claims be authorized to continue in employment their clerk, at the compensation hereof to him.

Mr. Cave Johnson moved to amend the resolution by inserting the words "during the session of congress." And the question on the amendment was then taken, and the amendment was affirmative; yeas 90, nays 61, and the amendment was agreed to; and the resolution as amended was adopted.

Mr. Morron, from the committee on the public lands, reported a bill further to extend the time for issuing military land warrants to the officers and soldiers of the revolutionary army; which bill was read the first and second time, and committed to a committee of the whole house to-morrow.

On motion of Mr. J. Q. Adams, it was ordered that the messages of the president referred at the last session to the committee on foreign relations, and not reported on by them, be referred to the committee on foreign affairs.

Mr. Cushing, from the committee on foreign affairs, made a report upon the petition for indemnity for spoiliations prior to 1800, accompanied by a bill to provide for the satisfaction of claims due to certain American citizens for spoiliations committed on their country prior to the 31st day of July, 1801, which bill was read the first and second time, and committed to the committee of the whole house on the state of the union.

On motion of Mr. Pope, the postmaster general was requested to furnish the house with a statement of the amount paid for the use of rail roads and other public means in transporting the public mails to the different parts and places in the United States directed by law.

Mr. Fillmore, proposed to go into committee of the whole on the state of the union, the secretary of the treasury having that morning communicated the fact of there being an immediate deficit in the treasury to the amount of \$260,000.

Objections having been made, Mr. Sturdy desired to know when a report might be expected from the select committee on the currency.

Mr. Cushing, in answer, said the gentleman a definition of the committee would facilitate the action of the committee by the reference of the president's message, which has not yet been done. [Laughter.]

The house then resumed the consideration of the amendment offered by Mr. Reil, to the amendment offered by Mr. Adams to Mr. Fillmore's motion to refer the tariff to the committee on manufactures.

Mr. Eastman, resumed and concluded his remarks.

Mr. Meriwether, of Georgia, then took the floor, and denounced the system of speaking about every thing but the question. He defended the whigs, and at 4 o'clock, gave way for a motion to adjourn, previous to which,

Mr. Lowell asked and obtained leave to introduce a bill providing for the settlement of the claims of the state of Maine for the services of her militia.

The bill, having been read twice by its title, was referred to the committee on military affairs, and ordered to be printed.

Mr. Cushing made the following motions:

That the message of the president of the United States of the 9th of March, 1840, concerning tonnage duties on Spanish vessels, be referred to the committee on foreign affairs.

That the message of the president of the United States of the 31st of December, 1839, concerning French vessels from Guinea to the United States, be referred to the committee on foreign affairs.

And they were accordingly; and the house adjourned.

CHRONICLE.

ADRIEN IN RUINS. A fire broke out on Monday night, in Adrien, which destroyed a large portion of that enterprising village. It commenced in Crutenden's grocery, in which a keg of powder exploded. There were thirty sufferers, and the loss is estimated at \$40,000. [Detroit Daily Ad.]

ANTHRACITE COAL TRADE. The immense value of the anthracite coal trade of Pennsylvania may be seen in the fact that the amount mined and sent to market this year will exceed 1,000,000 tons, worth in the market \$5,000,000. In 1829 the quantity was estimated at 400,000 tons, and then only 355 tons. It has been steadily increasing during the last 20 years, until it has at length reached 1,000,000 tons.

The following is the amount shipped from the several mining districts:

Schuykill	557,157 tons
Monaca Chalk	119,127 do.
Lackawanna	100,000 do.
Wyoming, about	47,000 do.
Pinegrove	25,000 do.
Shanokin	21,463 do.
Lyken's Valley	1,000 do.

1,017,827

We have at length reached a million of tons. This amount would have been greatly increased had it not been for several accidents. Next year 1,200,000 may be mined and sent to market. [Harrisburg Chron.]

BANK STOCK IN SOME OF THE WESTERN COUNTIES OF MARYLAND continues to maintain its value, notwithstanding the depression in other quarters. For instance, Hagerstown bank stock is selling at \$26 1/2 per share for \$25 paid in; the Farmers' and Mechanics' bank of Frederick county sells readily at from 10 to 20 per cent. above par; and Westminster bank stock sells at \$18 per share for \$25 paid in.

BANK PROFITS AND BANK SUSPENSIONS. Within the brief space of the 11th November, 1841, the state of North Carolina has received from the Bank of the State \$181,299; from the Bank of Cape Fear \$32,661. Individuals have received from the Bank of the State, on 30,000 shares \$85,250, from the Bank of Cape Fear, on 10,000 shares, \$17,250, making the sum now of \$102,500. They have divided as profits, among stockholders, and all the time in a state of suspension. [North Carolina.]

BOSTON AND ALBANY RAIL ROAD. The chain of rail road between Boston and Albany, N. Y. is at length entirely completed, and on Dec. 30, two locomotives ran from New York to Albany. The undertaking promises to yield immense advantages to both states.

BRIG CREOLE.—Dates of the 7th December, from Nassau, state that Capt. Ensor has recovered so far, as to leave for New Orleans. Two of the mutineers had died in jail from their wounds. The following is the list of the names of the slaves and the amount of the insurance:

Thos. McCargo, in the Orleans Insurance Co.	\$20,000
do do Merchants' do	10,000
Laupkin & Lockett do Farmers' do	20,000
do do Merchants' do	10,000
Johnson & Apperson do Ocean do	10,000
John Hazen, do do	6,250
Charles Hatcher, do do	3,300

The following are transcripts from the policies of insurance issued from each office, sums and numbers omitted.

From the Ocean's Policy.—"On slaves valued as per list attached to application 8—against all risks, and chiefly against that of foreign incursions; warranted free from elopement, insurance and natural death." **From the Farmers' Policy.**—"On slaves valued as per application 6. The insurers are not liable for suicide, natural death, desertion or injury; but to take the risk of interference by foreign governments or their agents."

Merchants' Policy.—"The company not liable for suicide, desertion or natural death; but liable for risk of embezzlement, desertion or seizure by foreign powers. The policyholders have refused to pay in cash. Three or four of the most distinguished and gentlemanly of New Orleans have offered to undertake the conduct of suits against the in, for 5 per cent. if the money shall be recovered, or nothing if unsuccessful."

The **schlr. Francis Goethorn**, which had arrived at Kingston, Jamaica, from Nassau, brought 52 colored emigrants, including probably some of the slaves who were taken from it by the *Creole*.

The passengers and crew have published a protest giving a minute detail of the circumstances dated from New Orleans Dec. 7.

CHRISTMAS DAY, in the afternoon, in the city of Philadelphia, Chestnut street was crowded with a dense mass of numerous beings. The entire population of the outer districts seemed gathered there, eager to catch a glimpse at the ship windows, and enjoying the excitement of the moving panorama. It is estimated that there were 40,000 persons on Chestnut street most of the afternoon.

DEMOLISH SWAMP CANAL. An abstract has been published in the Northern Herald of the canal which has been passed through the Demer Swamp canal. For the year ending on the 30th September, 1841, amounting to \$1,237,755, six per cent. of which is supposed to

be the value of the productions of Virginia, and the residue belonging to North Carolina. The value of the merchandise passing in the same period is stated at \$626,115, divided between the two states in the same proportion as the produce.

DIVIDENDS. The Petersburg rail road company have declared a dividend of 3 per cent. for the first six months. The Farmers' bank and the Marine and Fire Insurance bank, both of Savannah, have recently declared a dividend of 1 per cent. for the last 6 months.

FLORIDA. Colonel Riley returned to Plattska on the 21st, from his expedition to the head waters of the St. John's river, discovered the Indians, and has just returned to his visit to the Everglades, and has found any traces of Indians. [Savannah Republican.]

GREAT FIRE AT WATERTOWN. We learn from the Jeffersonian extra, that the large woollen factory, owned and occupied by the Black River woollen company, in Watertown, was destroyed by fire on the morning of the 23d inst. Loss estimated at \$3,000 to \$26,000; insured only for \$11,000 of one of the Boston offices.

THE BOSTON LEAGUE. We have already published the organization of a society established in this city under the above appellation, and now acting in concert with branches in several states.

An auxiliary branch of this truly national association is about to be formed for the state of New York. A convention met at the hall of the American Institute, in the principal purpose of adopting a constitution and by-laws, and we sincerely hope that a full attendance may be given to this home concern by all our citizens, whether naturalized or native born, who are interested in the rights of our native and naturalized citizens.

It is time that quibbling jobbers among ourselves, least one part or section of the country should get ahead of the others. A unity of American feeling and true Americanism, from our parliaments, is that is wanted. This is the spirit of the true protection, of laborers, mechanics and manufacturers, ask for, and a home league, reaching throughout the country, moving with the sentiment, united interest, all interests in favor of our home union, and independence, is one which surely all Americans should prize.

[N. Y. American.]

A JUDGE CONVICTED. The trial of Samuel McHenry, late chief justice of Harrison county, Texas, took place on the 10th inst. in the district court for the parish of Natchitoches. Judge Campbell presiding. The charge against the prisoner was that he with several others named in the indictment, (two or three of whom were in the year ago, and are now in the penitentiary), had feloniously seized from the parish of Natchitoches, into Texas, negro slaves, two horses, and a bride and saddle, the property of Mr. Anthony, of that parish. The jury, after ten minutes deliberation, brought in a verdict against the prisoner, and the others named in the indictment, for the crime of kidnapping. The verdict for the young negro. The effect upon her reputation cannot but prove injurious.

JUDICIAL DECISION. At the sitting of the Philadelphia court of general sessions on Dec. 23, the judges delivered their opinions on the motion to quash the presentment of the grand jury against the policy of the United States bank and others. They were unanimous in the opinion that the presentment should be quashed. Each of the three judges delivered a separate opinion.

LANDING OF THE FLIGHTERS. The 22d inst. anniversary was celebrated by the Pilgrim society of Plymouth on December 23. The New England society at N. York city also celebrated the day, being its 37th annual meeting.

MARRIAGE LICENSES. A petition has been presented to the legislature of Tennessee, praying that the marriage fee may be reduced. The petition represents the state of Tennessee as an unnatural, and quotes Vattel's Laws of Nations to prove that the marriage in a civil society can occupy a permanent place in society. The facts that the people are disappointed in not getting a national bank, that money is hard, that there is a heavy tax on the poor, and that the poor are suffering, (the "thief") is obliged to gather chestnuts to pay for his marriage license, are urged as reasons why the marriage fee should be reduced. The petitioners also pray that premium should be granted to those who are industrious in study, and also to the author of the best book "on moral character" tending to create a general taste for reading. [Tennessean.]

MISADVENTURES. The rev. James Carr Richmond, a clergyman of the Episcopal denomination, is about to sail on a visit to the interior of Africa, to revive the Christian worship in the city of Constantine.

The New Haven and New London papers contain particulars of the death of the rev. Henry C. Mitchell, and his going out to the interior of Africa. Mr. Mitchell was a native of Groton, Connecticut, and was ordained last fall as a missionary among the Nestorians of Eastern Asia, soon after he married Miss Richards, of New Haven, and embarked with her for Africa. His place he arrived some time in the spring. In August the youthful pair started from Beyrout for the interior, and after travelling through that desert country for nearly a year, Mr. Mitchell, who was a devoted and zealous man, fatigues and privations of the journey, after a week's only one day, and was buried in the sands by the Kurds, without shroud or coffin. Mrs. Mitchell was seized by a kind of typhoid fever, and, after surviving the loss but a few days. It is a most melancholy case, and the fate of both the sufferer will be mourned by every

one who knew them. Mr. Mitchell was a young man, of uncommon worth and fine talents, and has left a mother and sisters, whose bereavement may be imagined, but can never be described. The wife was very young, and is represented as every way fitted to be a lady in womanhood, and of the most devoted affection to her husband, and the cause in which they had engaged.

THE MISSOURI PENITENTIARY was destroyed by fire on the night of November 26. The loss is estimated at \$10,000. The Jeffersonian says—"When it was discovered that it proceeded from the fourth story centre building of the penitentiary, many horrible phantasies seized upon the minds of the people, and the cause in lingering torments. At a distance the dying tortured groans of upwards of one hundred poor wretches, injured in their dungeon cells, were in imagination distinguished from the cries of the poor and the suffering. As the flames continued to ascend to the skies, and spread their red glare in still more horrible forms, and it was ascertained that every convict had been released from his cell and turned into the prison, another panic ensued. It was the fear of a general massacre, at that dead hour of the night when the beasts of the forest had gone to their lair and all nature was resting in the peaceful slumber of the night. The fire, steadily made on the quarter master general for a supply of arms, and our citizens turned out to the rescue with alacrity. The cells, together with the warden's house, were saved."

AGES OF NEWSPAPERS. It appears from a compilation of Mr. P. L. Simmonds, of Rochester, that the oldest existing London papers are the English Chronicle, or Whitehall Evening Post, which was started in 1774; the Morning Chronicle, 1761; and the Morning Chronicle, 1769. The oldest American papers are the Bostonian, published at Stan-ford, 1635; the Ipswich Journal, 1737; Bath Journal, 1742; Birmingham Gazette, 1741; Chester Courant, 1733; Darby Mercury, 1742. The oldest newspaper in the United States is the Pennsylvania Letter, which was commenced in 1747. In Scotland, the Edinburgh Evening Courant, is the oldest paper, having been published in 1705. [Cork Reporter.]

POPULATION OF IRELAND. According to the census of the population of Ireland, taken in August last, the whole number of the population was 8,274,715; of whom 7,965,336 were of the Roman Catholic faith, and 1,216,379 of different Protestant sects. In the year 1715, the population of Ireland numbered 3,010,219, sons of whom 1,070,000 were of the Roman Catholic faith, and 1,940,219 Protestants; so that in the period of 120 years the population of that country has increased nearly five fold.

PRESIDENT. Many of the papers in the interior of Pennsylvania are out for James Buchanan for the next Presidency.

THE ROCHESTER AQUEDUCT. The New York Sun says that "this is probably as splendid a work of the kind, extent and execution considered, as any in the union. It is a long wall, 100 feet high, and 100 feet long, and from rear to front, 441 feet. It is 125 feet high at the bottom of the piers to the top of the coping, and rests on a rock foundation in the bed of the Genesee river. It is six piers and two abutments, each 75 feet long, 10 feet wide, and five feet high to the coping, and 10 feet wide. It has seven circular arches resting on the piers and abutments, each 52 feet span, 10 feet rise, 63 feet long. It is 10 feet thick at the crown, and 3 feet thick at the spring line. The span of the arches, and filling up the inside space between them, are each 62 feet long, 8 feet 3 inches high."

TENNESSEE. The state of Tennessee has subscribed to the various internal improvement companies within her limits for \$100,000, and has issued her bonds on this subscription to the amount of \$100,000. The state has been granted to twenty-eight companies, of which sixteen have commenced the construction of roads. Six companies have completed their roads, and those of nine others are nearly completed. The state is making great undertakings by the other companies is very uncertain.

Legislature. On the 7th December, after a session of five days, spent in vain efforts to carry into execution the joint resolution of the two houses for calling the U. S. States senators, the convention adjourned sine die. The senators have been introduced into the house, having in view the division of the state and the formation of a new one.

TEXAS. At last some severe censures were expressed in congress against president Lamar for filling up Texas with Indians, and for the capture of Santa Fe. Accounts from Mexico confirm the capture of its advance guard of 100 men by the Mexicans.

TOLLS ON THE CANALS. The following comparative statement of tolls received on the New York canals, since the year 1820, when the Erie canal was first opened to toll, will be read with interest.

Year.	Tolls received, Yrs.	Total, 1820-41.
1820	55,537 \$4 18 31	1,228,801
1821	14,388 \$7 18 29	1,228,483
1822	40,400 \$7 16 26	1,463,715
1823	122,928 \$8 18 29	1,643,715
1824	210,761 \$7 18 25	1,545,975
1825	366,112 \$7 18 25	1,641,680
1826	509,000 \$8 18 25	1,293,320
1827	828,448 \$8 18 25	1,610,382
1828	812,137 \$8 18 25	1,775,747
1829	1,056,922 \$10 18 25	2,063,504

[Try Daily Whig.]

NILES' NATIONAL REGISTER.

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BALTIMORE, JANUARY 8, 1842.

[Vol. LXL.—Whole No. 1,580.

THE PAST—THE PRESENT—FOR THE FUTURE.

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ADDRESS OF GEN. JAMES TALLMADGE before the American Institute.

PROCEEDINGS IN CONGRESS.

CHRONICLE.

CONGRESS.

In the house of representatives, the series of resolutions offered by Mr. Fillmore was finally disposed of on Monday last. The subject of discrimination was referred to the committee on manufactures. In the senate, the exchequer scheme continues to be the unfinished business of debate. On Thursday, Mr. Woodbury advocated its reference to a select committee, after which, a motion for adjournment over to Monday next, prevailed.

FOREIGN ARTICLES.

CUBA.

A correspondent of the N. Y. Express at Havana, December 15, says: On the 9th instant the Havana published an order for the suppression of eleven of the nineteen monasteries existing in the island, and sequestration for the benefit of the state of the entire church property, excepting that of the nunneries, amounting to seven millions. For the support of the monks he has assigned them a small pension, and also a fixed sum to be paid annually by the state to different churches for the maintenance of religious worship. The begging orders are prohibited asking alms in the street, as they would thereby have an advantage over the other orders whose property has been sequestrated. Those monks who secularize are to have a pension one-fourth greater than those who retain their habit. All the sacred vessels are to be distributed among the poor churches. Of these nineteen convents, seven are in the city, containing one hundred and thirty-four monks and novices. But three convents are left, and, as their rents are taken away, most of the monks and all the novices will secularize. Another measure in agitation by our present intendant is a reduction of the tariff. He has appointed a commission to take the subject into consideration, and has invited, through the press, the merchants and all who are interested in the subject to address him their views. It is rumored that he has already decided on the abolition of duties on exports. These alterations, however, will not probably go into operation before the middle and perhaps end of next year.

MEXICO.

VESSELS OF WAR. The N. Y. American of Jan. 3 says, that two fine schooners, which, for some days, have been laying off Jersey city, apparently intended for revenue cutters, and destined for Mexico, were detained yesterday by order of the government on the ground of being designed for vessels of war, and fitted armed, manned and equipped contrary to the statute, in such cases made and provided.

The revenue cutter was directed to anchor between them, and forbid their departure. The vessels are commanded, the one by capt. Howard, who took out one of the steamships of war built here last year for Mexico, the other by capt. Martin.

It is in the case of these steamships and the Russian frigate Kamshatka, these schooners had not been armed and manned, they would not have been in jeopardy of the law; but each of these vessels has a heavy Paishan gun amidships, and its complement of cannonade, together with a crew of fifty men.

The vessels were built by Bell & Brown, and cost \$65,000. We presume the case will be immediately carried to the district court of the U. States.

TEXAS.

Letters from the far west confirm the rumors of the capture of the army sent for the invasion of the province of Santa Fe. The prisoners have been sent towards the seat of the Mexican government and their fate is yet unknown. The American consul at Santa Fe has left his post and arrived in Missouri.

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CANADA.

Governor General. The British ship of the line Illustrious, having on board sir Charles Bagot, arrived at New York on the 29th December. He remained in the city a few days, having left for Montreal on the 4th of the present month.

NATIONAL AFFAIRS.

APPOINTMENTS BY THE PRESIDENT.

BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.
OFFICERS OF THE CUSTOMS.

Collectors. Wm. Walton, Folly Landing, Virginia, vice Samuel C. White. Wm. R. Easton, Nantucket, Massachusetts, vice Martin T. Morton.

Surveyor. John G. Watmough, Philadelphia, Pennsylvania, vice G. Washington Tyson.

Appraisers. Samuel I. Bridge, Boston, Massachusetts, vice E. A. Raymond.

LAND OFFICERS.

Registers. John H. Kensie, Chicago, Illinois, vice James M. Strode. John L. Yantis, Lexington, Missouri, vice Finis Ewing. Samuel C. Wheat, Washington, Arkansas, vice George Conaway.

TRASURY NOTES.

Treasury department, January 1842. Amount of treasury notes issued under the provisions of the acts of congress of 1837, 1838, 1839, 1840 \$26,681,337 53
Redeemed of that amount 25,361,673 88

Leaving outstanding 1,319,663 65

Issued under act of February 15,

1841, viz

Prior to the 4th of March, 673,681 32

1841 5,624,575 38

Since the 4th of March, 5,624,575 38

Making 6,298,256 70

Returned to the treasury 777,197 05

of that amount 5,521,059 65

Leaving the aggregate outstanding 1st

instant \$6,840,723 30

W. FORWARD, *secr. of the treasury.*

NORTHEASTERN BOUNDARY.

The Bangor Whig states that Maj. Graham, who has been charged with the arduous service of surveying the northeastern boundary line, having closed the survey for the winter, passed through that city on the 28th ult. on his way to Augusta, and thence to Washington.

He has had during the last summer about one hundred men in his employ. The trees upon the line have been removed, on the tops of the hills to a space of about one hundred feet, and lessening in width down the valleys, and the whole line cleared and bushed. The survey has been continued a few miles above the Grand Falls, very near which the line is found to run. The old line has been found very crooked, and the new running, with the straight line, takes in several houses in the country below Grand Falls, and in some instances portions of the cleared fields of the farmers there. Some of them would, at times, get exasperated at these proceedings, but most of them were rather calm. About sixty miles of the line, through an unbroken forest, still remains to be surveyed.

THE ARMY.

Major general Gaines has been authorized to remain in Washington, having public duties and private interests requiring his attention for two months from the 23d December, 1841. During the temporary absence of Gen. Gaines, the command of the western division is devolved on brig. Gen. Atkinson, the officer next in rank therein. His head quarters are at Jefferson Barracks.

2d dragoons. Five companies left Mount Vernon Arsenal, Ala. Dec. 13, for Baton Rouge.

[Army and Navy Chron.]

THE NAVY.

Disposition of the naval force of the United States, in active service, January 1, 1842.

Home service.—Commodore Charles Stewart. Razez Independence, Captain J. Gallagher.

Frigate Columbia, " F. A. Parker.

Steamer Missouri, Captain J. T. Newton.
Steamer Mississippi, " W. D. Saller.
Sloop Vandalia, Commander W. Ramsay.
Sloop Falmouth, " J. M. McIntosh.
Brig Dolphin, Lt. Com. W. W. McKean.
Schooner Grampus, " G. I. Van Brunt.

BAZIL STATION.—Commodore Charles Morris.
Ship-of-the-line Delaware, Captain C. S. McCauley.
Frigate Potomac, " G. W. Storer.
Sloop Marion, Commander W. B. Rogers.
Sloop Decatur, " H. W. Ogden.
Sloop Concord, " W. Boerum.
Schooner Enterprise, " L. M. Goldsborough.

WEST INDIA STATION.—Commodore Jesse Wilkinson.
Frigate Macedonian, Commodore J. Wilkinson.
Sloop Levant, Commander A. Fitzhugh.
Sloop Warren, " C. L. Williams.

PACIFIC STATION.—Commodore Th. Ap C. Jones.
Frigate United States, Captain J. Armstrong.
Sloop Yorktown, " J. H. Aulick.
Sloop St. Louis, Commander F. Forrest.
Sloop Cyane, " C. K. Stribling.
Sloop Dale, " C. Gaunt.
Schooner Shark, " T. A. Dornin.

MEDITERRANEAN STATION.—Commodore Chas. W. Morgan.

Frigate Brandywine, Captain D. Geisinger.
Sloop Fairfield, Commander Tattall.
Sloop Preble, " R. Voorhees.

EAST INDIA STATION.—Commodore L. Kearny.

Frigate Constellation, Commodore L. Kearny.
Sloop Boston, Commander J. C. Long.

In addition to the above, there are seven small schooners on the coast of Florida, under the command of Lieut. J. T. McLaughlin, co-operating with the army in its efforts to restore peace to that disturbed frontier.

The EXPLODING EXPEDITION, under the command of Lieut. Wilkes, consisting of the sloops Vincennes and Peacock, and the brig Porpoise, is still employed in that service, but is expected to return to the United States in the course of the ensuing summer.

[Nat. Intel.]

The U. S. frigate United States, Captain Armstrong, being the broad pendant of Commodore Jones, dropped down to Hampton Roads, on December 31st, and if the wind continue favorable, would proceed to sea on the morrow. She is destined for the Pacific, but will touch at Rio de Janeiro, and carries out the hon. Jon. S. Pendleton charge d'affaires to the republic of Chili.

The U. S. brig Dolphin arrived at New York on Dec. 31, from Cartagena.

APPOINTMENTS BY THE PRESIDENT, by and with the advice and consent of the senate.

Richard S. Finckney, to be a commander in the navy, from the 8th Sept. 1841, to take rank next after commander D. G. Farragut.

[Navy department, 4th January, 1842.]

The board of naval surgeons recently convened at Philadelphia, for the examination of assistant surgeons for promotion, and of candidates for appointment as assistant surgeons, has adjourned sine die.

Assistant surgeon A. J. Wedderburn was passed for promotion.

The following is a list of the candidates reported for appointment as assistant surgeons in the order in which they stand:

1. Morris B. Beck, of Virginia.
2. J. Francis Luckernan, of Massachusetts.
3. Oscar B. Baxter, of New Carolina.
4. Lewis J. Williams, of Maryland, and
5. Marius Duvall, of Maryland.

STATES OF THE UNION.

RHODE ISLAND.

The New Age, of Providence, gives the following as the returns of the late election. "For the people's or the suffrage party's constitution, as it is called, freeholders 4,019, non-freeholders 7,905; and the vote was not yet all in." There are in Rhode Island less than eight thousand Freehold voters, under the present state of things; and by this result a majority will be found in favor of repudiating the charter and adopting the constitution.

tain her specie payments she has the advantage over New York of exporting two products of the soil which, as long as Europe pays in coin, represent yearly from thirty to forty millions in specie.

There is no doubt of the soundness of our banks in the aggregate. A statement of their situation lately published and which was laid before the meeting of their presidents, shows that upon comparing the amount of their cash liabilities, with the assets applicable to their payments, the situation of the banks is more favorable than it was in December, 1838, when they resumed specie payments. Their objection to resumption now, is founded upon the inability of some of them to provide the available means to meet the payment of such of their cash liabilities as may be immediately demanded of them, whilst their circulation is now only sustained by the confidence inspired by its being received at the other banks. I have already at two former sessions suggested to you the necessity of adopting measures for liquidating these weaker banks. It is now admitted on all hands that the difficulty of supporting their credit is the only obstacle in the way of the others resuming their regular course of operations. It was to relieve these institutions in their distress, and to give them time to improve their situation that the board of presidents has thought proper to advise a prolongment of the resumption one year. But whatever means they may eventually have of meeting their engagements, it is evident that their active capital is insufficient for the legitimate banking purposes. A comparative statement of their situation at the suspension of specie payments, and in the present state of their affairs, will give you an idea of what they have to hope from the prolongation of their suspension.

3d NOVEMBER, 1839.

	Discounts.	Cash assets.	Cash liabilities.
Exchange bank,	891,583	312,255	518,042
Atchafalaya "	294,320	38,000	256,320
Orleans "	616,935	229,565	387,370
Carrollton "	1,257,707	415,776	355,739
Improvement "	747,079	133,289	605,818

1,269,962 2,368,184

ON THE 3d OCTOBER, 1841.

	Discounts.	Cash assets.	Cash liabilities.
Exchange bank,	733,230	275,829	768,800
Atchafalaya "	966,000	140,682	603,268
Orleans "	873,109	109,740	317,276
Carrollton "	1,395,173	147,176	308,666
Improvement "	1,193,345	228,309	1,155,786

2,909,136 3,153,256

Two years of suspension have diminished their available means \$300,000 and increased their immediate liabilities more than \$780,000. Thus it is clearly seen that the evils the country is laboring under, far from being remedied by the suspension, are yearly aggravated by its continuance. Five banks now confess their inability to sustain themselves without assistance. In a year more the number will probably be doubled, for the aid demanded would considerably reduce the means of the stronger banks without restoring the others to a much healthier condition.

These institutions, which are now unable to resume will be still less able to do so hereafter. The depreciation in the value of our products and of real estate, resulting from the disorder in our currency, reacts on the port folios of the banks by diminishing the pecuniary abilities of those who are indebted to them. Already they have ceased to rely upon the confidence upon the punctual payment of their paper, they have discounted, and the amount of protested paper already considerable, cannot fail to increase in a frightful manner by a longer continuance of the suspension. Having lost the advantages of their banking privileges by the suspension, those corporations find themselves derelict of the public confidence, whilst the public are left without the facilities they had a right to expect. In January 1837 the capital of the banks which had laid before the legislature a statement of their situation amounted to \$33,300,000 and their discounts and loans to \$43,400,000, more than \$10,000,000 beyond their capital paid in. In November last the capital paid in was \$33,300,000, the accumulated profits, not divided, amounted to \$39,900,000—and the discounts and loans to 45,409,000, id est \$1,500,000 below the capital.

Some of the banks have expressed their desire to resume immediately and two now pay their circulation in specie; no doubt the legislature will see the necessity of sustaining the resumption, and will be enabled, by forcing all to perform the duties prescribed to them by their charters or to enter into liquidation, you will be adopting the only effectual means to rid the country of institutions destitute of banking means and who thereby paralyse the action of the others whilst they keep their paper in circulation. I can give you no other way to put an end to the reprehensible and illegal solidarity which is

attempted to be established between banks that cannot fulfil their engagements and banks for which the state has pledged its credit and its faith. Resumption must press heavily upon the community for a while, but this pressure cannot be avoided. We cannot permit the value of our property to be always represented by a paper money furnished by banks which do not pay their debts. A resumption must take place sooner or later and it cannot take place without a momentary shock. While we delay this crisis, we weaken our power of resistance, and we increase its intensity by the additional number of institutions that must succumb.

[CRIMINAL LAWS.]

The numerous frauds committed against different banks in this city, shew the insufficiency of our penal laws against this species of crime. The act of February 10th, 1821, reaches the officers and servants of the banks who shall have unlawfully converted to their use its funds, or those who have added to convert this offence; but the law does not extend to those who obtain money by drawing checks on banks where they have no funds; they cannot be punished unless they are accomplices of the officers or clerks of the institution, and of this it is almost impossible to obtain sufficient proof. Crimes of this kind are during your absence, but the law does not extend to those to the amount of some hundred thousands of dollars; and for protection for the future they look to your legislation.

The penalty for the crime of bigamy is far too lenient, a fine of not more than five hundred dollars, and imprisonment not longer than two years, is a punishment no ways commensurate with the gravity of this offence.

The law against duelling has become a dead letter. The slight regard paid to it by juries, even when the testimony is undeniable, shews that its execution is impossible to be enforced. The law which defines its proper manner and penalties. Laws which cannot be executed should be repealed or modified. If the punishment of death were replaced by imprisonment, if the survivor and seconds were rendered jointly and severally liable for the debts of him who falls, if the guilty were besides liable for large damages to be recovered before a civil tribunal by the heirs of the deceased, the end the legislature had in view would probably be better accomplished.

[STATE LANDS.]

At the commencement of your last session I thought it my duty to lay before you some observations on the public lands to be reserved for the use of the State of colleges and primary schools. I beg you to allow me to bring them again to your consideration. A law for the sale of the school lands will probably be passed at this session of congress; if early instructions be sent to our delegation, you will be able to dispose of these lands with the consent of congress, in such a manner as to create a permanent fund for public education.

The act for the distribution of the proceeds of the public lands, passed at the extra session of congress, requires that you should fix the manner in which the five hundred thousand acres granted to this state within its limits, for internal improvement, should be selected.

[PUBLIC SCHOOLS.]

The gross negligence displayed by the greater part of the administrators of public schools relative to the transmission of the returns which the law requires them to make to the secretary of state, renders it impossible for you to learn the number of indigent children who receive the benefits of education, through the liberal appropriations yearly made for this object. In 1839 only eleven parents made their returns at the time fixed by law—in 1840 the number was reduced to nine. At the end of this month is the time fixed for their return, yet to this day only two have been received. The absence of all information on this important subject should convince you of how much abuse a system is susceptible, where large sums are disbursed without the legislature being able to judge of the extent of the benefits which the mass of the people derive from it.

The sums appropriated every year for the support of the public schools, prove that the legislature has the necessity of alluding to the people that degree of education necessary to fit them for our form of government, but it should not be forgotten that these appropriations are useless, unless employed so as to afford the important end for which they were designed. The present percentage is paid to our preceptors, and out of the principal cause of the want of success attendant on our system of primary instruction is, in my opinion, to be attributed to the great repugnance felt by many families to send their children at the public expense to school where there are other pupils whose parents pay for their education. I have seen only 1 tract of land for the purpose in 1832 and 1833, to which you will permit me

to refer, I have explained upon what plan the primary schools of New York were established, and advised the abandonment of the plan which we have followed so long without beneficial results to substitute common schools "where the sons of the poor and of the rich man are alike admitted without any other distinction than that which depends upon themselves, establish by their application and their talents." It appears to me now that I can do no better than to repeat the same recommendation. The law passed at your last session to create schools of this kind in New Orleans, induces me to hope that you will feel the advantage of establishing them throughout the state.

[PENITENTIARY.]

A fire which happened in the penitentiary at Baton Rouge, on the 4th of last month, has occasioned a loss which it will require near ten thousand dollars to repair. An attentive examination of this establishment has convinced me that the only means of enabling it to pay the debt which the convicts, the 30,000 dollars annually costs the state, will be to employ all the prisoners in the manufacture of coarse cotton and woollen goods, which has been put in operation there within the last two years. The additional appropriation which would be required for the purchase of machinery and for the erection of the buildings would, I am confident, be repaid to the treasury within three years, by the profits of this branch of industry.

A very considerable number of old convicts are annually sent back to the penitentiary. It seems but just that those who break the force of the laws is repeated should be sentenced to a greater punishment than is incurred by a first offence.

[SLAVE TRADE.]

Twenty-four slaves convicted in Virginia of heinous crimes, but whose punishment had been commuted by being carried out of the limits of the U. S. are now in the hands of the agents of the slave trade. By the law of the 29th January, 1817, they should be sold, and the price divided between the state and the informer. As there was no informer in this case, the slaves belonged entirely to the state; and the attorney general has by my advice, postponed the sale until after the next session of the legislature. It is to be doubted whether this will induce the legislature to ordain that convict slaves whose importation is prohibited under the penalty of fine and confiscation, should after their importation be sold in the state, and thus cause the very evil from which it was the object of the law to protect fellow citizens. The opportunity now presented of making the first application of this law, allows you to correct its evil effects, by enacting that these, as well as all such others as may hereafter be imported and seized under similar circumstances, should be employed for life, under strict guard, upon the public works of the state. The men of color condemned to hard labor, the mixing of whom with the white convicts in the penitentiary seems to me, as I have already observed to you, in opposition to our institutions, could also during the term of their sentence be advantageously transferred to our public works.

[COLONIAL ARCHIVES.]

Having learned that there existed in the archives of the French government a great many manuscripts relative to the colonial history of Louisiana, I have obtained through the obliging exertions of General Cass, our minister near the court of France, the permission to have them examined and copied. One of our fellow citizens who was at Paris at that time, undertook the task, and has prepared a catalogue of the manuscripts, with a short synopsis of the contents of each. This work which has required much time and labor, will soon be laid before you. The first in date of these documents is the process verbal of taking possession, by Lassalle, in 1682, of the country to which he gave the name of Louisiana, the last is the account of the trial of the Louisianians, executed in 1760, by order of O'Reilly. Some of these papers cast a new light upon many pages of our annals, which the then government of France and Spain did not think politic to make public. It will appear, for instance, that the object of the conspiracy which O'Reilly accused it his duty to extinguish in the blood of its chiefs, was not as then proclaimed, to restore the colony to the dominion of France, but to establish a republican government under the protection of England. So that Lafreiniere and Villere were the first martyrs of American liberty, and poured out their blood in an attempt to establish a republic in Louisiana, eight years before the Declaration of Independence of 1776. As no correct history of Louisiana can be written without the aid of the information contained in those manuscripts, you will doubtless appropriate with pleasure the small sum necessary to have them copied.

A. B. ROMAN.

New Orleans, December 13th, 1831.

OHIO.

THE GOVERNOR'S MESSAGE, after the usual preliminary acknowledgements of the beneficence of divine providence, proceeds to the subject of the common schools of the state and submits to the legislature the propriety of devolving the duties of their general superintendence upon one whose exclusive business it shall be to discharge them, as was formerly the law, instead of leaving them as at present to be performed by the secretary of state. It then proceeds to the

[PUBLIC WORKS AND STATE DEBTS.]

The public works in which the interest and true glory of the state are deeply involved, have been prosecuted with as much rapidity as could have been anticipated, from a view of their condition at the time of the last session, and it is gratifying to find them pledged to the completion of the Wabash and Erie canal, within a given time, and the work being one of great importance to a neighboring state with whom a compact existed on that subject, the legislature very properly authorized the commissioners of the canal fund, to loan money for that object without restriction as to the interest on such loans. At the time of the passage of the law of the last session authorizing loans, the debts then due to contractors on all the public works were estimated at about \$581,000. This debt, with a very small abatement in amount, had all accrued prior to the meeting of the legislature, and had already been \$1,500,000, in the last year. The commissioners of the canal fund being limited to loans at 6 per cent, and such being then impossible to be obtained, the debt was suffered to accrue, and had to be provided for out of the resources of the present fiscal year. To discharge this debt, the legislature has authorized the treasury to borrow money without restriction as to the rate of interest on the loan. The balance of the loans authorized by law were expressly limited to the payment of interest at the rate of six per cent. per annum.

The whole amount of loans of all classes authorized the past year, was \$2,100,000. The amount loaned to the canal fund, was \$1,500,000. These loans, owing to the peculiar condition of the money markets both at home and abroad, have been chiefly of a temporary character; but in no instance have they been obtained at a rate of interest exceeding six per cent, although the act of the last session had expressly authorized the loan of over one million at a higher rate.

It will be perceived, for the reasons already assigned, that the debt due on the public works, for labor done during 1840, amounting on accurate ascertainment to about \$600,000, and the amount necessary to complete the Wabash and Erie canal, on which the legislature had authorized the loan of about \$2,523,417, have been paid during the present year, making together over \$3,100,000, were of a peculiar character, and such, as in good faith, the state was bound to see promptly obtained and disbursed. The great declension in the price of state stocks, the most unquestionable character, for the first time, since we were first presented to the canal fund commissioners difficulties of the most formidable character. Permanent loans of large sums, at any reasonable rate of interest, could not be had, either in Europe or the Atlantic cities of the U. S.

Actuated by a laudable zeal to preserve unshaken the good faith of the state, the treasury so prudently maintained through every vicissitude, the credit of the commissioners, as the best that could be obtained, negotiated a loan of about \$1,000,000 early in the last spring, from two of the banks of Ohio. By the terms of this loan, the notes of the banks making it were received at par, and the interest is to be paid at the state treasury, semi-annually, in hard money of the state, at the rate of six per cent. per year.

The interest on the public debt during the year has been punctually paid; and the various public works of the state have been provided with funds to carry them forward as rapidly as could be desired. The management and improvement has been completed, and is now being navigated by the canal boats, from Cincinnati to Zanesville to the Ohio at Marietta. The amount due for labor on this, is estimated at \$200,000.

The Hocking canal is finished to a point within ten miles of its termination, and about twenty-five thousand dollars are supposed to be due for labor already done on the line. The cost of its entire completion is estimated at \$500,000.

The debt due to contractors on the Wabash and Erie canal, for labor during the present year is estimated at about \$50,000. Assuming the estimates sent to the legislature by the board of public works, during the last session, as a safe guide, it may be considered as probable, that this debt can be completed by a further expenditure of about \$200,000.

The amount now due for labor on the Miami extension is estimated at \$100,000 and according to the estimates furnished in the report of the board of

public works, at the last session of the legislature, an additional sum of about \$900,000 will be required to complete that work to its termination.

One hundred and ninety miles, including a navigable feeder, there remain eighty-eight miles, to complete the navigation from Cincinnati to the Ohio, to the Maumee bay. When this work shall be finished, there will be seven hundred and ninety-three miles of canal owned entirely by the state, and more than a hundred miles of canal, owned by individuals, constructed by companies in which the state has an interest, there will be nine hundred and fourteen miles of navigable canal, within the limits of Ohio. These enduring evidences of enterprise and wealth, traverse the state in such directions, as to draw to them the productions of the richest agriculture, the necessary articles of domestic and foreign markets to the door of the farmer and mechanic, for the products of their labor.

The amount paid into the treasury from these canals during the present year, is \$484,758 18. When the route through the valleys of the Miami and Maumee shall present an unbroken communication from the mouth of the Maumee to the mouth of the Maumee and Hocking canals, now quite finished, shall be in full operation, it is obvious, that at the present rate of tolls, the receipts into the treasury will enable the legislature greatly to diminish the taxes. The amount (as I have shown) necessary to the completion of all contemplated works, now unfinished, will be comparatively little to that now existing, and that sum is necessary to enable us to use those works on which large expenditures have been made; expenditures which must be quite unproductive until the works to which they were applied shall be completed. In the existing state of the money market, the derangements of the currency, consequent embarrassment of trade, it is not probable that loans to any extent can be made during the present year by sales of stock, on fair terms, either in the Atlantic or European markets. Should any favorable change be effected by the action of congress upon the currency, during the present session of that body, its influence would be greatly felt in an increased facility given to every department of business, and to increase a sale of stock on terms more advantageous to the interest of the state, might be expected. In the present condition of the national concerns, any measures in that quarter, tending towards relief from the weight of a long oppressive and malignant energy upon the currency, are scarcely to be hoped for, and certainly not at all relied upon as a basis of legislation. Should the sound banks of this state whose charters will expire in 1843 be rechartered, or their capital be transferred to any new scheme of banking which the legislature may enact at this session, there is good reason to believe that loans might be obtained from that source, the interest on which would be payable in our own state; and thus we might be enabled, from our own capital, to carry on to final completion our own public works. Other means there are, undoubtedly, by which the sums necessary for carrying forward our public works might be raised, and which would not the legislature may devise, but the foregoing has occurred to the most safe and practicable, upon the supposition that some general scheme of banking shall be adopted at this time.

[LAND DISTRIBUTION BILL.]

In contemplating the future operations of the state in the management of her public debt, we should not forget the late act of congress making distribution of the proceeds of the sales of the public lands among the states. The amount to be received by Ohio under this bill, must of course depend upon the quantity of public lands which shall be annually sold. The best estimate of the present year, probably give at least \$300,000 to Ohio annually, for the next four or five years, and when the large amount of new lands held by individuals shall have been sold, the dividends to the states, may be expected to increase, with the increasing sales of the public domain. Under the act of congress, the first distribution is to be made on the first day of June.

I regret to observe a desire manifested in various ways to effect a repeal of this most salutary law; one that has so often been passed by both branches of congress, and after having been arrested by executive power, was fortunate at length, in gaining the approval of the president, the magistrate of the union. Should this law remain, and the legislature complete its public works during the next year, it cannot be doubted that the dividend coming to Ohio, and the

proceeds of the canals, would in 1843 fully pay the interest of the entire public debt of the state. This would enable the next legislature to reduce the taxes now pressed heavily upon the people. All taxation for canal purposes would be unnecessary. When the public works of the state shall have been fully and fairly operating for a few years, and the receipt of tolls should be such as to enable us, without increasing the taxes, to withdraw from the payment of interest on the public debt, our dividend arising from the sale of the public lands, in part or in whole, then it would become not less the policy than the duty of the state, to devote the whole of that fund to the extinguishment of the principal of the public debt. Thus posterity, for whom it has been sometimes imagined our internal improvements were foregone, should be enabled to pay the interest of the public debt, the inheritors of an estate free from encumbrance, yielding an ample revenue for all public purposes; with nearly a thousand miles of navigable canals, traversing it in all directions, bearing to their destined markets all the products of their labor, and bringing to them in return the necessaries of life, and the luxuries which they wish, the luxuries of the civilized world.

[PENITENTIARY, HOSPITALS, &c.]

The operations of the penitentiary for the last year have been conducted in a manner creditable to the warden and to the state. Improvements in machinery and workshops during the past year, account for the fact that the nett proceeds of the institution are less for this, than the preceding year. After, however, defraying all expenses, the balance paid into the treasury the present year is \$23,700. In the year 1839 the number of convicts sent from all parts of the state to the penitentiary was 172; in 1840, 137, in 1841, 121, showing, notwithstanding our population has been constantly and rapidly increasing since 1839, a decrease of crime in three years of about thirty per cent.

The institutions for the deaf and dumb, for the blind, and the lunatic asylum, have all, during the past year, given additional proofs of the wise philanthropy which dictated their establishment. I most earnestly recommend to the consideration of the legislature the propriety of erecting additional buildings connected with the lunatic asylum.

[GEOLOGICAL SURVEY, &c.]

By a former act of the legislature, a geological survey of the institutions of the state, and the result was the collection of a variety of soils and minerals from various districts in the state which for some years had remained without being classified, stored in a room for that purpose. At the last session a small appropriation was made, to be applied, under my direction, to pay the expenses of labeling and arranging these specimens for preservation here, and for distribution to the literary institutions of the state. Soon after the adjournment of the last legislature, for the purpose of executing the law, I procured the services of Dr. Mather, who has nearly completed the arrangement. The specimens designed for the use of the institutions of the state, are now ready for distribution. The arrangement of the whole will be completed by the first day of January next. The specimens intended to remain permanently at the capital are cased and labeled, and together with the apparatus belonging to the state, are now in a room prepared for that purpose, on the public grounds at the capital. In the necessity of the subject, I cannot forbear to press upon your attention the propriety of continuing on a limited and economical scale the geological survey of the state, especially in reference to the agricultural interest involved in the subject. The most productive lands in the state are well known to be declining in fertility, and the resources of such soils must either be learned by the farmer by experience, which we know in some countries has failed, or it must be made known by that science which teaches the nature and quality of soils, and which is itself but the embodied and successful experience of the laborer. It is the duty of mankind to be primarily to the subject. If by the labors of a geologist, so appointed, one bushel of wheat more than is now produced should be raised on each acre of ground in the state, occupied in the growth of that grain, it would pay the salary of such an officer, twice told, for many years to come.

[BANK CHARTERS, SUSPENSION, TARIFF.]

In connection with the subject before me to address to the legislature at its last session, I was urged upon that body the imperious necessity for action on the subject of the bank charters which will expire in January, 1843. That session, however, passed, and no definite action was had on this, the most difficult, and the most important of the subjects upon which the legislature is called upon to act. The final settlement of the question can be delayed no longer. This great duty is devolved upon the pre-

sent general assembly, with a daily increasing necessity for its prompt and permanent adjustment.

The long continued suspension of specie payments by the banks of some of the middle states, by those also of the southern, western and southwestwestern states, has brought about a general suspension of specie payments in all the states of exchange, usury to a most enormous extent, embarrassment in every branch of business, with a great increase of risk attending all commercial operations. This state of things, if not speedily remedied, will take our currency, which should be a fixed measure of the price of property, itself a mere vendible commodity, more variable in value than most other common articles of traffic. It may be well questioned whether this most unhappy state of our affairs will not take place in some of the most important changes in our existing commercial relations with foreign countries. This is a question over which the state legislation has no control; the national legislature alone is competent to decide. It is filled with laborers whose daily toil brings them only a subsistence, pour into our markets every variety of manufacture, by the laws of their respective countries, the products of the soil, and the only equivalents they will receive from us in return.

Except mud and duties so onerous, as to amount to prohibition, the bread stuffs, and other productions of much the largest portion of the people of the United States, can find no markets in the ports of France or England. It is obvious that our exports, so important to us, are at all times exposed to great fluctuations; and it is equally evident, that we must in such case be liquidated by an exportation of the precious metals. This drain, which no human ingenuity can always foresee, must have the effect to disturb prices, even were our money purely metallic; should it be of the mixed kind, composed of coin, and paper convertible into coin, the latter would, whenever the former was scarce, be of sufficient value to suspend the specie payments would seem inevitable. As the laws now are, the revenues to the government of the union, must be raised by duties on foreign goods. It is within the power of congress, by a proper discrimination, in levying duties necessary for the ordinary expense of government, so to discriminate as to restrict foreign importations to narrow limits, or to open new markets to our traffic—on cotton planters, on terms of perfect reciprocity—Whether congress will exert this power, when it shall be proper, as it soon must be to reconsider the subject, is a question which cannot now be considered as settled with that certainty which is necessary to form a safe basis of state legislation. The existing state of things, and the prospect of future national legisla- tion, should be the basis of any policy, which the legislature to adopt, touching the subject of our currency. However divided the people of this state may be in their opinions, as to the form in which this question shall be settled, there cannot be a doubt but they are all united in the desire that it should be finally adjusted by the present legislature. The expiration of the term of office of four out of six members of this body, in January, 1843, demands this, not merely as a measure of sound policy, but one of absolute necessity.

The interest and business of the people demand that the capital of those banks whose charters expire in 1843, if at all consistent with other leading considerations, should be retained in that business, in some form, to be prescribed at this time. A large portion of this capital is held by owners in England. Should the capital be withdrawn from the country, the portion of it owned abroad be taken home, and no means of similar investment provided, results must follow, more disastrous to the state, than any, even in the worst times, which it has hitherto encountered. I refer the legislature to the opinions and reflections contained in the communication on this subject, and to the suggestions of the Legislature, embracing this subject, which may be to the satisfaction of the Legislature, and the suggestions which it might be desirous to submit at this time.

Stringent measures, calculated to compel a resumption by the banks of our own state, whilst those of several of the Atlantic, and all of the western and southwestern states, remain in a state of suspension; although they might accomplish much good, would undoubtedly be attended with serious results, too obvious to need comment, and with the subject of enumeration. The legal questions arising out of laws, operating upon charters previously granted, lend also to embarrass this species of legislation. How far the legislature can go, in enforcing regulations upon private corporations, where provision has not been made in the original charter, is a question of no infrequent control is a question which touches the fundamental doctrines of the social compact, and is obviously one, which, in the end, can

only be decided by the judicial courts of the country. Any law which the legislature might deem it proper to adopt, with a view to accelerate, the resumption of specie payments by the banks, should most carefully avoid any infraction of charters heretofore granted, as in that event, it would not be enforced by the courts of the state.

Wisely and happily for us, the constitution has given to the representatives of the people, ample dominion over the laws of the land, bounded only by the restrictions contained in the constitution. The executive power is with us, as completely disjoined from the legislative, as that of the judicial. Our experience for the last few years, has accumulated various and many evils of a different system. Our gratitude should be unbounded to those, who, in forming our constitution, limited executive power to proper executive duties.

I unite with the whole people of the state in the fervent prayer, that the great lawgiver of the universe may so conduct your deliberations, that they may confer permanent blessings upon the state, and justly entitle yourselves to the applause and gratitude of our common country.

THOMAS CORWIN.

Columbus, Dec. 7, 1841.

LEGISLATURE. In the house of representatives of the state, on the 21st instant, the following preamble and resolutions were moved by the speaker, (Mr Spalding:)

*Whereas an opinion has become somewhat prevalent that the independent states of this union will at some future period, REPUDIATE the payment of the debts by them respectively contracted with the capitalists, both in Europe and America: and whereas such an opinion is at variance with every principle of patriotism, morality and even of common honesty: Therefore, be it

"Resolved, by the general assembly of the state of Ohio That a just sense of right, independent of the high claims of her citizens to a character distinguished for honor and integrity, should effectually preclude our great state from entertaining the crude notion of absolving herself from the claims of her creditors by the mere exertion of sovereign power.

"Resolved, As the sense of this general assembly That the citizens of Ohio respect the sanctity of their engagements, whether of a public or private nature and will at all times be found willing to pay the principal and interest of all debts by their state government fairly and lawfully contracted."

These resolutions were agreed to, in the house of representatives by sixty-four yeas to six nays.

INDIANA.

The governor's message at the opening of the present session of the legislature after reviewing the prosperity and blessings of the past year proceeds to the subject of the

STATE DEBT AND PUBLIC WORKS.

You have met under peculiarly trying circumstances. Since the adjournment of the last legislature we have reached a crisis in our affairs, dreaded indeed by many, but which it was hoped might be avoided. Indiana, until this present year, had succeeded in paying the interest on her public debt, and at the last session ample provision was supposed to have been made for its payment this year, but the circumstances have been such that the agents of the loan have declared it impossible to procure the necessary funds, and we are compelled to admit that an unwelcome truth, that the credit of the state has not been sustained.

It now devolves upon the legislature to devise and adopt measures the best adapted to the exigencies of our situation. To do this, it becomes necessary to look over the whole ground—to examine our exact situation with the strictest scrutiny, and make the most correct estimate we possibly can of the liabilities, and means, and resources of the state. In order that the whole subject may be fully presented and understood, I shall in the first place consider somewhat in detail the commencement and progress of those measures, the unfortunate issue of which has involved the state in her present difficulties.

In the year 1827, the state of Indiana obtained from the general government a grant of land to aid in the construction of the Wabash and Erie canal with a view to connect the Wabash river with Lake Erie. A portion of this grant was surrendered to the state of Ohio on the condition that she would construct the canal from the boundary of Indiana to the Lake. This canal has been completed, ready for navigation, from Lafayette on the Wabash, to the eastern line of the state. This work is not generally regarded as forming a part of the general system of internal improvements, in the prosecution of which the state subsequently engaged in the year 1836. It is now understood that Ohio will complete her portion

of the line in 1842; by which an uninterrupted communication will be opened between the Wabash and Lake Erie.

In the month of January, 1836, the legislature passed an act to provide for a general system of internal improvements, embracing a number of expensive works. The extent and present condition of these works, including the Wabash and Erie canal, with the total disbursement thereon, up to the present time, with the expenditure under every head, may be briefly summed up as follows:

1. The Wabash and Erie canal from the state line to Tippecanoe, 129½ miles in length, completed and navigable for the whole distance, at a total expenditure, including payments for every purpose, of \$2,041,012. This sum includes the cost of the steamboat lock at the Delphi dam, now nearly finished.

2. The extension of the Wabash and Erie canal from the mouth of Tippecanoe to Terre Haute 104½ miles—total probable cost, \$1,500,000—amount expended, \$308,855. The navigation opened so far down as Lafayette, and a portion of the work performed in the vicinity of Covington.

3. The Crosscut canal from Terre Haute to central canal, 40 miles in length; estimated cost \$718,672; amount expended, \$420,679. No part of the work is navigable.

4. The White Water canal, from Lawrenceburg to the mouth of Nettle creek, 76½ miles; total estimated cost, \$1,675,738; amount expended, \$1,099,867. Thirty-one miles of this work navigable, extending from the Ohio river to Brookville.

5. The Central canal, from the Wabash and Erie canal to Indianapolis, including the feeder dam to Muncietown; total distance, 134½ miles; total estimated cost, \$2,299,853; amount expended, \$568,046. Eight miles completed, other portions nearly done.

6. Central canal, from Indianapolis to Evansville, on the Ohio river; length 194 miles; total estimated cost, \$3,532,394; amount expended, \$831,302; 19 miles of which at the southern end, connecting with the Ohio river, is finished, and 16 miles, extending south from Indianapolis, nearly finished.

7. Erie and Michigan canal, 182½ miles; estimated cost, \$2,624,823; amount expended, \$156,324. No part of this work is finished.

8. The Madison and Indianapolis rail road, 85 miles long; total estimated cost, \$2,046,600; amount expended, \$1,493,013. Road finished and in operation for about 28½ miles. Grading very nearly finished on 27½ miles in addition, extending to Edinburg.

9. Indianapolis and Lafayette turnpike road; 73 miles in length; total estimated cost; \$593,737 amount expended, \$72,182. The bridging and most of the grading done on 27 miles from Crawfordsville

10. New Albany and Vincennes turnpike road 105 miles long; estimated cost, \$1,127,295; amount expended, \$654,411. Forty-one miles graded and McAdamized, extending from New Albany to Paoli and 27 miles in addition partly graded.

11. Jeffersonville and Crawfordsville road, 164 miles long; total estimated cost without metallizing \$952,000; with metallizing added, the cost would be \$1,651,800; amount expended, \$372,733; forty-five miles partly graded and bridged, extending from Jeffersonville to Salem, and from Greencastle north

12. Improvement of the Wabash rapids, undertaken jointly by this state and Illinois, one-half of the estimated cost of which is \$102,500; amount expended by Indiana, 9,539.

There has also been paid for the general contingent expenses of the board of internal improvements for the purchase of instruments, &c, chargeable alike to all the public works, the sum of \$35,564 41.

By summing up the foregoing statement it will be seen that the whole length is 1,289 miles, 281 miles of which have been completed; aggregate estimated cost of all the works, \$19,914,424; amount expended for all purposes, up to this date, \$8,164,528 21.

The above estimates of the cost of the entire line are based on the cost of the work already, from which it appears it would require to complete the whole of the above works, \$11,750,000. At the present reduced prices it might take less, were it not for the loss and dilapidation on the unfinished portions of the works.*

*The sum requisite to complete any particular work may be seen by subtracting the amount expended from the estimated cost. Appended to the message is a tabular statement, A, prepared from the most authentic vouchers and sources of information, from which the above was extracted, exhibiting the work done and the expenditures in detail.

part of the items, but upon referring to the most accurate sources of information it is believed the following statement will be found substantially correct.

1. For the Wabash and Erie canal	\$1,725,000
2. For the establishment of the state bank	1,390,000
3. For the enlargement of the capital of said bank	1,000,000
4. Advanced to the bank in anticipation of the 4th instalment of the surplus revenue	294,000
5. For bonds advanced to the Lawrenceburgh and Indianapolis rail road company	221,000
6. For bonds sold for the internal improvement system of 1836	7,050,000
7. Due the state bank for advances on the public works, including interest	693,146
8. Amount of treasury notes outstanding	1,300,000
9. For last July instalment of interest	259,000
10. Hypothecated bonds sold	404,000
11. Bonds now hypothecated	665,000
12. Interest on outstanding treasury notes	85,090

Total \$15,088,146

There has been advanced on the bonds now hypothecated \$145,000 nearly. Should this sum be refunded by the sale of state bonds, that item will be reduced to the amount of bonds sold to redeem those hypothecated. When the revenue of the year 1841 shall pass into the treasury the amount of treasury notes will be reduced perhaps to \$50,000.

That part of our liabilities usually called the suspended debt, upon which nothing has been received, in which may be included the Cohen property, consists of the following:

1. Due from the Morris Canal and Banking company for bonds sold to increase the stock of the state bank nearly	\$1,000,000
2. From the same for bonds sold for internal improvement purposes	1,146,000
3. From other companies	294,000
4. Cost of Cohen property	341,000

Total amount of the suspended debt \$3,381,000

By a joint resolution, in relation to money due in eastern cities and states for state bonds disposed of, approved February 24, 1840, it was made the duty of the fund commissioners to require a collateral security to double the amount of the bonds sold to the Morris Canal and Banking company, to raise money to increase the capital stock of the state bank, or require the payment of said bonds or the return thereof. By this transfer to the canal fund commissioners, the management of this debt was taken from the officers of the bank, and it has since been the cause blended with the debts contracted on account of the general internal improvement system.

No correct opinion can be formed of the probable amount which will be realized from the suspended debt, nor of the value of the collateral securities taken at different times for its payment; the securities are as various as can be well imagined, and many of them are doubtless scarcely worth the paper employed in conveying them to the state. A part of the debt may be recovered, but how much, or when, are questions it is impossible to answer. One thing, however, is pretty certain, that very little of it can be collected in time to be used for any immediate purpose.

The public debt of the state may be arranged under three different classes.

1. That part upon which the interest can be paid without resort to taxation. This includes the following loans, viz:

1st. Original loan to create bank stock	\$1,390,000
2d. Advanced to the bank in anticipation of the 4th instalment of the surplus revenue	294,000
3d. Advanced to the Lawrenceburgh and Indianapolis rail road company	221,000

Total \$1,905,000

Second. The treasury notes remaining in circulation. The whole amount issued up to the 1st of November 1840, was \$1,450,000 00. The amount which has not been returned to the treasury is estimated at \$1,300,000. These bear interest from their date until redeemed, at the rate of six per cent. per annum.

Third. This part of the public debt consists of all our liabilities of every description, exclusive of the treasury notes upon which the interest is demandable, and for the payment of which no adequate means are at present provided.

These may be stated as follows:

1. Bonds sold for the Wabash and Erie canal	\$1,727,000
2. Bonds disposed of for internal improvement purposes	7,050,000
3. Principal due the state bank for advances on the public works	641,500

4. Hypothecated bonds sold and unsold	\$1,669,000
5. For bonds sold to the Morris Canal and Banking company, to increase the capital stock of the state bank	1,000,000

Total \$11,487,500

This sum bears five per cent. interest, except \$100,000 of the Wabash and Erie canal loan, and the amount advanced on the public works by the bank, which bear six per cent.; and about \$30,000 of seven per cent. bonds recently disposed of in payment of interest. The annual interest on the above sum may be set down at \$482,440. If we add to this the amount to be paid for exchanges, commission, expenses, &c. the least amount necessary to discharge the interest on the above sum of the public debt will vary but little from \$615,000 annually.

To pay this amount of interest, the state possesses the following means, which may be relied on with certainty:

1st. The interest on the proceeds of sales of the Wabash and Erie Canal	\$24,000
2d. Interest from surplus revenue	32,000
Total	\$56,000

Which being deducted from the preceding sum of \$615,000, leaves the annual interest due under the third head of the sum of \$559,000.

The proceeds from tolls, water rents, &c. on the public works, will be absorbed in expenses and repairs for some time. And all other extraordinary sources of revenue brought into the estimates usually made, are too uncertain to be relied upon at present. But I think it may be calculated safely, that in six years, should the complete per portion of the work as soon as expected, the tolls and rents derived from the Wabash and Erie canal, when added to the annual interest received from the sale of canal lands, will be sufficient to pay the interest on the loan for its construction.

It is to be inferred from the foregoing statements that we have a twofold debt pressing heavily upon us, from which immediate relief cannot be expected, namely, the sum actually expended on the system of internal improvements adopted in 1836, comprising works which are not in a situation to yield any profit, and also the suspended debt upon which the accruing interest is to be paid, although the state has not received any part of the principal.

It is due to ourselves, in this state of our affairs, to examine into some of the prominent causes which have produced the present embarrassments. The first of these is doubtless to be found in the number of large and expensive works embraced in the system of internal improvements, and their simultaneous prosecution. Also, the unexpected increase in the prices of provision, labor and materials, was such that a sum much greater than the original estimates was required for the construction of the public works. Two great errors were committed in the progress of the system. The first was paying the interest of the money borrowed, that the government should have been content with the compound interest; and the people, not feeling the pressure of taxes to discharge the interest, naturally became inattentive to the policy which was pursued. Had the legislature commenced by levying taxes to defray the interest as it accrued, its amount would have been a small index to the sums expended on the works. This itself would have done much to check extravagant expenditures. The second error was selling bonds on credit. This finally led to the most disastrous consequences, and it constitutes a prominent cause of the failure of the state to progress with the general system of improvements, that those companies to whom bonds had been sold on time did not comply with their contracts. During the summer of 1839 several very important works were rapidly progressing to completion. Loans had been negotiated with the Morris Canal and Banking company, and other companies of less note, amounting to nearly two millions of dollars, and generally, the state was to be paid to the state in monthly instalments, so as to enable the canal commissioners to meet their engagements with contractors on the public works. Every thing seemed to be moving forward as prosperously as could be desired until the month of August, 1839, when these companies became unable to fulfil their contracts. As a matter of course, operations on the public works ceased immediately, except on the Madison and Indianapolis rail road, for which a special loan had been made with a company in Madison. In a very short time the situation of the country became such, that money to progress with the works could not be obtained from any quarter.

But the enumeration of the causes which produced our present embarrassments does not stop here, particularly as relates to the non-payment of interest.—The legislature at the last session made provision for the payment of interest and the redemption of treasury notes, by authorising the sale of bonds, to bear not exceeding seven per cent. interest, and by directing the levy of a tax of forty cents on each hundred dollars of the grand assessment. As it is well known, the fund commissioners have disposed of bonds on the terms required by the legislature. Now, it is to be realized in the collection of taxes soon enough to meet the July instalment of interest. But this is not all. The act of 1840, authorising the issue of treasury notes, made them receivable for taxes, and it will be found, when the revenue of the present year shall be brought into the treasury, that the notes, for all of it will be returned in treasury notes, which by law are required to be destroyed as they are received by the treasurer of the state. And the amount of these notes still in circulation must prevent us, for several years, from deriving any available means from the collection of taxes, with which to liquidate any part of the interest on the state debt. The condition of the suspended debt is such that, although portions of it may be collected, yet we cannot procure it to pay interest as it falls due.

Such is actually our condition: and candor and justice to our creditors, and to our editors require us to acknowledge that we have neither trader our control nor in prospect, for some time to come, the means to discharge the interest on the whole of our public debt.

It is true, we might, by the sale of bonds greatly below their nominal value, manage to meet our liabilities for the present, but, owing to the great depreciation of our bonds, the debt of the state would soon be augmented to a sum so large that it would be impossible, under the most favorable circumstances, to sustain its accumulated weight. Such a line of policy must in the end lead to a failure more disastrous and oppressive to our necessities, than to pause at the present period of our difficulties. Heavy sacrifices to pay interest will add to the existing burdens of the state, without the most remote promise of ultimate relief, although this may not be true in respect of measures to secure the completion of some of the best works. The sum which it would be necessary to raise in order to pay the interest at the current selling price of our bonds, if properly and prudently applied annually, would do more to relieve the state and calm the fears of judicious creditors, than large and continued sacrifices to meet the interest while permitting the works to decay.

Nevertheless, it becomes us to leave no efforts untied to recover our former position. Indiana possesses an enterprising and a rapidly increasing population. The natural resources of the state, as they shall be developed by the industry of her citizens, will add continually to her wealth, and this very addition will result in a constant relative diminution of the burden of the public debt. The state alone, that we cannot preserve the faith of the state unpaired. Still we should not despair of recovering from our difficulties while any means remain within our power with which we can work. Although whatever means, available at present, are insufficient to pay all the interest on our internal improvement debt, yet we can do much to lighten our burdens, if sources as can be reached, properly and prudently applied, place the state in a situation to pay her debts, and finally redeem her smitten credit?

Unless infamy is to be sought in the suicidal measure of repudiating the public debt, and we furthermore add the destructive policy of abandoning all the public works comprised in the act of 1836, thus proving that the public debt is a necessary evil, as has been expended, the state could do better than collect all her scattered means which can be made available, and with a determined effort endeavor to place some of the most valuable works in a condition to become profitable.

So far as it can be done consistently with the public good and the sacred faith of the state, and without granting privileges which may prove detrimental to the future interests of the citizens, the state would do well to secure the assistance of companies who may be willing to contribute towards the construction of the public works. That companies can be found to embark to any great extent in an enterprise of this character I do not believe. Nevertheless, on some of the lines it is currently understood that associations of individuals can be induced to step forward and invest funds in the shape of stock to an amount which will afford efficient assistance in the completion of the works.

(Here follows the paragraph inserted at p. 242 of this volume.)

There is nothing pleasant in arriving at these conclusions, nor in expressing them; but while so much is said in a spirit of reproof, on the subject of Indiana protracting her credit under such a

I have endeavored thus to lay before you the condition and wants of the state, as fully as the means within my power would enable me, with such suggestions as seemed important for your consideration. I am confident that you will be able to determine for our affairs, upon which we can look with pleasure. It is difficult to foresee the result of the present state of things, and equally difficult to determine, what particular remedy should be applied. The involvement of the state in the war, while it has increased the number of the soldiers, it has also increased the number of responsibility resting upon the state. There has been a time in the history of our state when a spirit of forbearance, firmness of purpose, and an entire abandonment of all selfish designs were more important than the state was entrusted with the management of her concerns.

The new governor of Wisconsin has sent his opening message to the legislature of that territory. We copy the following from it.

It is well ascertained that the sheep which are fed upon the high prairies increase in size and improve in health, and that their fleeces are more weighty than of those sheep which are confined to the pastures of the eastern and middle states. The extensive and rich prairies of the Wisconsin Ridge and its branches, and upon which there is now no prospect of settlements being formed, we may expect, if the proper encouragement is given, will be occupied in a few years with flocks of sheep capable of supplying all of the manufactories of woollen goods in the U. States with wool.

The protection of the business of mining and smelting of lead ore which has been heretofore afforded by the United States by the duty on lead, has enabled the miners of Wisconsin to supply chiefly the consumption of the United States, and to furnish a considerable quantity for shipment to China and other countries. The largest shipments of our domestic lead it appears have been made from Boston; and it is hoped that the intelligent and enterprising merchants of that city, who have thus obtained new markets for an article of which Wisconsin has this year produced over twenty millions of pounds, will receive from this branch of our trade the reward to which they are so justly entitled.

The fur trade of this country is presented with foreign countries under the greatest disadvantages; and its interests appear to have been overlooked or disregarded by the government of the United States. The furs of this country are not only the most valuable of all furs imported into the United States are admitted free of duty. The goods also, which are required for the trade, are manufactured in England and France, and pay a duty on their entry in the United States. The British trader supports his own along our northern border, and the American trader, who manufactures in the same shops in England as those in the possession of our traders, and he pays no duty. The American traders have more than a million of dollars invested in this trade; it is a valuable trade to this country of sufficient magnitude to entitle it to consideration.

In the prosecution of the inland trade of Wisconsin the improvement of the navigation of the rivers by which it is traversed becomes an object of primary importance and I earnestly recommend the adoption of measures at this session to render navigable the Menomah (or Fox) and Wisconsin rivers, as this is the only route of communication by water between Lake Michigan and the Mississippi, within this territory.

The improvement of the Rock and Peckatonik rivers, can be undertaken, when Illinois shall have rendered the former navigable from the present bounda-

I understand that it is expected that an appropriation will be obtained from congress at its present or next session, to improve the navigation of the Platte and Grant rivers, and the river of the Four Lakes—and possibly some of the streams which I have named—and I hope the effort may be successful.

[illegible]

ADDRESS OF GEN. JAMES TALLMADGE,
BEFORE THE AMERICAN INSTITUTE, AT NEW YORK, ON
26th OCT. 1841.

FELLOW CITIZENS: We rejoice to meet you on this 14th anniversary of the American Institute. It has been our lot very often to meet you on these occasions; and always, on our part, with increasing satisfaction. It is with exulting pride we find we have your marked approbation of our whole course.

The American Institute was incorporated many years since, for the purpose of advancing the AGRICULTURE, COMMERCE, AND MANUFACTURES of our country. IT WOULD itself like the champion of each, but in particular and especially of commerce. It is the interest of the country to do justice to her commerce. Secure to that an open trade and unrestricted enterprise, it will in return not only build up a commercial marine, and establish our naval strength, but will provide a market for agriculture and manufactures, which will be sufficient, and all they ask for their protection and indemnity.

We have a country unsurpassed in its advantages by any other portion of the globe; and blessed with a government, soil, and climate, unequaled by that of any other. Look at the mighty progress we are making in internal improvements. Already this country, which led the way in canals, has 3,700 miles of canal navigation, pouring in its abundance 20,000,000 bushels of wheat annually. Thus we have about 30,000 miles of these useful public works, equal in value to about \$160,000,000, expended for the benefit and happiness of the whole people. No country on earth, ancient or modern, can produce any thing so many and so great physical achievements at all comparable to this. How different, and how much better is this, than those monarchical and despotic governments which waste their revenues, and can boast only of their numerous troops, pyramids, and obelisks, and their standing monuments of the oppression and subjugation of the people from whom such abundance has been wrung.

We have had, during the progress of the present fair, addresses delivered on various subjects of public interest, and especially on agriculture and the culture of silk. You have, on our part, seen the wisdom and the beauty of the system of agriculture, and the learning of the land: by a Baldwin, a Burgess, an Everett, a Davis, a Kennedy, a Southard, a Webster, and many others: in fact, orators have preceded us on these subjects, and facts and circumstances have been adduced by them to show the wisdom and propriety of the encouragement and protection to the great interests of agriculture, commerce, and manufactures. They have so brought their eloquence and reason to bear that I venture to say, there is not a book extant combining at one centre, and containing so much information on these subjects, as the *Encyclopædia Americana*, a work of full and

My purpose on the present occasion, is to call your attention especially to commence and its attendant consequences. It is perhaps sufficient for the purposes of the country, and in gradual advancement; but it is *not what it ought to be*. The extent of our country, its benign and varied climate, with its exuberant and virgin soil, has fitted it for every production and every pursuit. The genius and irre-

Internal commerce is not what of right it ought to be. Our increasing population, and the superabundant productions of our land, push it forward to a state of partial prosperity. But it bears no just proportion to the advance of internal improvements, and what the attendant circumstances of the country invited it to become. Providence has showered down blessings upon us. We have been spared from the great scourges of mankind; neither war, pestilence, or famine. Yet our country is desponding and suffering under embarrassments.

Agriculture is abundant, but has no market! Manufactures withering, and at a stand. Labor depressed. This strong arm of supply and defence is not employed and protected as it should be. The revenue is diminishing, the treasury exhausted. The currency deranged; and credit destroyed. Foreign commerce is growing on us at an alarming extent.

Is it not time that we should arouse the attention of the government to these facts, and warn it of our condition?

The causes leading to such disastrous results, are worthy mature consideration. We cut the following article from a city paper, we believe from the Journal of Commerce of September.

"The revenue law will go into operation on the 1st proximo. It may produce changes in the state of our trade, of which the extent cannot yet be foreseen. At present, our trade with the continent of Europe, and with France particularly, is in a condition of stagnation, which has been brought about alone have brought about. It is almost altogether in the hands of foreigners. Of the packets-ships recently arrived from France, with very valuable cargoes, *four-fifths* of these, certainly, and perhaps *ninth-tenths*, were for foreign account, or consigned for foreign account. The French merchant, and the enterprise of the American merchant, it is quite impossible that any *equal* competition should have shut him out so completely from the French trade, and therefore it is, we say, that unwise legislation must be at the bottom of it.

"The new duties on silks and other merchandise, the produce of France, now free, very large assortments have arrived and are arriving. So that the calculation of revenue from this source will, for the first portion of the current fiscal year, be disappointed, the country being stocked

Yes, fellow-citizens, "unwise legislation" has crippled the energies and the resources of the country. "Our trade is in condition which unwise legislation alone have brought about. Nine-tenths of the importations from France are on foreign account. The same may be said as to importations from England, Germany, and France. We have lost our free trade. We have opened our ports to the productions of foreign countries. We receive foreigners with open arms, and extend to them all our civil rights and privileges, but are not willing to become their inferiors in this land of our birth. This monopoly by them of our foreign trade, and of importations, makes them our masters. We tolerate their legislation, we tolerate and tolerate by our own "unwise legislation." It is high time our government placed us on a footing of equality with other nations. Foreign goods are imported on foreign account, accompanied by a foreign agent, or consigned to one previously stationed here, to hold possession of the goods to sell them at the highest price, and to return the goods to the return packet. Our regular merchants pay taxes and rents, and may look from the stores to witness what they severely feel, the facilities afforded to this process of foreign trade. The American importing houses have been superseded, and but few of them remain. This change in the course of the importing trade, and the increase by foreign goods, has been the consequence of our bad currency and loss of credit. The diminution of our imports at the present time, compared with our exports, comes not from any salutary measures, adopted by our government, but arises from our former great indebtedness, and the present doubtful safety for further liabilities. The most vicious nullifier, comes from the illustration of the effect of our late public measures, than these facts present.

If our government did not before know, it was informed by despatches from the American minister, General Cass, Oct. 28, 1839—

"That in 1836, France imported into the United States, value, 238 millions of francs. She received as imports from the United States, value, 110 millions of francs." The balance paid in specie.

Again:

"All the exportations from France to the United States, are manufactured articles: none of them giving

It is one of the commercial regulations of England, that American produce, arriving at a port of her colony, is *automatically* as colonial produce, and may be re-shipped in British vessels to the mother country, or to any other colony, or foreign port; while a like voyage is prohibited to an American vessel. It is thus that a large portion of the produce of the state bordering on the lakes, on the large rivers, and on the British settlements, is *automatically* nationalized; and is sent, to the consumption of St. Lawrence, to foreign markets, in British vessels, thus encouraging ship-building, and the shipping interest of England, and furnishing an effectual nursery for British seamen. It explains why five-sixths of the commerce of Maine, and two-thirds of that of Georgia, and now nearly one-third of the commerce of the United States, is carried on, and increasing, in British vessels. It tells us how country, and ship-building, and mechanics are unemployed, while the amount of New York ship-building is lessening yearly; why many of those she has, are unemployed, and her general prosperity is unequal to the advantages of her situation and enterprise. Add to these circumstances the countervailing and prohibitory duties of England against the agriculture and the commerce of this nation, all Disregarding the deeply acquired prejudices of the Government, and the present depressed and disastrous condition of the country, and the country cannot be misunderstood. The balances of trade against us the last six years, are nearly three hundred millions of dollars, for articles which could have been manufactured in this country; to say nothing of the two hundred millions of state stocks sold in Europe in the same time. How mysterious it is that our finances and currency are endangered, and business is ruined, and our countrymen are winking at the system of the Government, while they shrink with dread from looking at the real causes.

The injurious effects of these measures on New York alone, are worthy of consideration. In 1835, the freight which came to tide water, on the New York canals, was 753,191 tons, and required over 1,400 vessels, of 500 tons each, to transport it to this city and to a foreign market. It gave life and activity to our towns and cities, by a continued employment of an increasing demand for labor, materials and mechanic skill; and formed an important item in our domestic and foreign commerce. The tolls, business, and freight on our canals have been greatly lessened by this diverted trade. The diminution exceeds in amount the growth and increasing production of the west.

The statistics of ship building, for 1840:

	<i>Vessels.</i>	<i>Tons.</i>
"Maine, there were built,	181	38,936
Massachusetts,	113	17,811
New Jersey	103	
Maryland,	111	
New York,	72	13,786

Thus showing the comparative condition of your commercial emporium. It has been diminished in amount for the last several years. How could it be otherwise, under the commercial regulations of other governments, and almost the abandonment of our own? In common with the nation, it has claims for relief and protection in its just rights and pursuits.

Spain deems it correct and wise to follow illastric precedents. She too *naturalizes* the produce of other countries, in order to command its carrying trade in her own vessels. Our cotton is prohibited going to Spain in American vessels; while, if sent to her colony of Cuba, it is there naturalized, and then shipped in Spanish vessels to the mother country, or a foreign market. A considerable commerce of this kind is now carried on from Havana; to the loss of New Orleans and to American vessels. Our government yields to all this. It ought to support our trade and commerce, or withdraw like the Chinese, and be ready in our turn, to be intruded because we will not cat ovium.

The cotton of Texas and the Red River would come to New Orleans, as its port of business, depositing for shipment for market; but a duty amounting to prohibition against foreign cotton, as a protection of this staple of the southern states (and which opposes its extension to the staples of other states), compels it to turn aside into the Gulf of Mexico. New Orleans suffers the loss of its business, and American vessels are deprived of its carrying trade.

Much is said about free trade. England sends books on political economy for us to use, but not to be regarded by herself. Our government has gone on giving free trade, without any return, till an empty treasury has compelled it to resume duties for the sake of revenue.

In 1834, by the official statement to parliament, the quantity of leaf tobacco imported from the United States was 37,804,871 *lbs.*, the duty on which, at 3s. sterling per *lb.* would amount to \$27,219,507. According to Mr. McCulloch, the *discriminating duty*

between tobacco raised in the *British colonies*, or the United States, is 3*d.* sterling, or 6 cents per *lb.*; being equal to the price of Virginia and Kentucky tobacco in London market, (in bond), according to the same author, in 1834.

The duty levied on pot and pearl ashes imported into Great Britain from the United States, is 6s. sterling, or \$1 44 per cwt.; while from British colonies ashes are admitted *free of duty*. The effect of this has been to drive the trade in ashes from the northern states to Montreal and Quebec, whence they are carried to England in British vessels. Thus in 1834 the imports of ashes from the British colonies, (Canada, &c.) were 84,937 cwt. and only *one* cwt. from the U. States.

In 1838, England raised, by duties levied on cotton from the United States, \$2,434,949, while she prohibits, or burthens with heavy duties, every article of our agricultural produce. Foreigners, and agents for foreign business, may well huzzo!! for such a FREE TRADE. It is according to the English book. Will any person with American feelings join in such clamor?

It is not true that the *American Institute*, is an advocate for a *high tariff*. It maintains *equality and a perfect reciprocity* in trade. It proposes to offer to other governments, free trade, equality and reciprocity. Our business is to offer to England and to France to come to some agreement, for a just and equal trade; to take our tobacco and rice on equal terms; to make American productions free, and reciprocal; and if this is refused, to adopt countervailing regulations, as a defence against their unjust measures; and to put on their broad-bottoms, silks, and manufactures, the like duties they put on tobacco and the agriculture of our country. Their aggressions, to be our rule of resistance.

It is the object and wish of America, to walk in the paths of peace. Give a clear deck, or an open field, and she will ask no favors of the world. But with our keen sagacity, and what with politics and president making, our country is not going in advance, as she ought, with all her natural advantages. With keen and vigorous governments abroad, careful of their interests; and with party rulers here at home intent only on their places and party discipline, it is no matter for wonder that currency is deranged, commerce depressed, and, in short, all the concerns of the country embarrassed.

These things explain why, among other things, our commercial marine is languishing. Strife may come and find our marine deranged and our hard-seamen driven to other pursuits, and one-half of the trade of our country in possession of foreigners. We may decline, and we may lose the trumpet, and we may lose the laurel, and we may lose the right to "stand our steady march upon the mountain wave," and they may not be within our call; and all this too while it is the declared policy of our country to encourage navigation; and especially long voyages as **NEED-ERY FOR SEAMEN.** For this object a bounty is paid on the fisheries; and drawbacks allowed on the export of fish. The amount of the bounty does not appear in the table, but is believed to be nearly equal to one million of dollars.

In the face of such facts, the last revenue bill surrendered the China trade to British shipping! *Tea from China*, was before, and has been a long time duty free, in American vessels; and ten per cent. duty if in foreign vessels. In the last revenue bill this little discriminating duty of 10 per cent. is repealed, and it enacts, that tea shall be duty free, "from China," or "ANY OTHER PLACE." This must be in favor of British shipping, and in compliance to a duty on all other goods, and in compliance to a duty on all goods operating as a prohibition against rice, flour, and the productions of our agriculture, unless diverted to these channels, giving the carrying trade to British vessels. The old stale teas of British stores, are now to be sent to this country in British vessels, *and*

While we gave to France a free trade in her silks, wines, and luxuries, as a reward for the embarrassments inflicted by her, on our commerce and agriculture, we have yet continued the duty of 10 per cent. on silks from beyond the Cape of Good Hope, which operates as a tax on us, and as a bounty on the silks of France and England.

With the protecting duty long since allowed of New Orleans sugar, a *bounty* was given, in the nature of a *drawback* on the importation, refining, and exportation of foreign sugars. When the duty was diminished, the *bounty remained unregarded*. The omission did not offend nullification, as it only greatly increased the exports of Cuba, created a few minor domestic restraints in this city and in Boston; and presented the rare circumstance of a bounty paid *in this country* for supplying Russia with West India sugar. The last congress, in mercy to the emp

treasury, repealed this bounty, so far, as to be only equal to the duty paid. Such a state of things could not have been the intention of any congress or any administration; but engaged and engrossed as they are, in president-making, and in squabbles of party politics, it is only their heedless legislation. They have not had time to insist on equality and reciprocity in trade, and take the proper retaliatory measures against the injurious commercial regulations of other governments. In olden times the messages of our presidents dwelt on the support and condition of agriculture, commerce, and manufactures. In latter years, these subjects are deemed too unessential to gain admittance into such public documents.

We do not speak of any of these things as partisans. The American Institute belongs to no party. It censures all parties alike. Party spirit and the discipline of party, is the bane of our land, and the curse of our country. The Institute calls for support to our agriculture, commerce, and manufactures, and to procure such legislation as will put us on an equality with other nations in all our commercial pursuits.

There is no defect in our institutions, or in the character of our people, which occasions the present depression of our concerns, foreign and domestic. We stand elevated in the eyes of the world for capacity to produce. If Russia wishes to build a vessel, she sends to New York for one as a model. We are needed an imperial steam frigate, New York is employed to build it. Spain also sends to New York for steam vessels of war. Is a cotton factory or a steam sugar mill wanted, America furnishes it. Does Prussia need a flouring mill, she sends to Baltimore for machinery. When Egypt wishes to enlarge her empire, she sends her citizens to Rochester to learn the art of grinding wheat; Austria sends to Philadelphia for locomotives. The grand sultan sent here for our Eockford to instruct them in ship-building, and for our Porter, to improve capacity and valor for their defence. When Egypt wakes up, she sends to England for a fleet of iron ships, and her subjects and her bullock-mills are not the most perfect in the world for digging canals, she too sends for tools and steam-engines. When Texas wants machinery, she sends to Lowell and Patterson and England—even England herself sends to Philadelphia for locomotives, for she cannot find equal quality at home. In our own country, there is no mean citizen and enterprise are not unattended and honored.

Were the coachload to use this free trade, or reciprocity which we ask, American productions would meet the eye of the traveller in every country and clime. Even now an American peace-maker would be a laughing-stock, a rare sight, a curiosity, a staple, in saying a peace-maker, I do not mean a Quaker; their chaste and beautiful principles ill accord with this degenerate age. I refer to Cochrane's repeating gun, which must soon come to general use. While the war was going on, we were not afraid to assert boldly our claims to reciprocity and free trade. This is not the only instance in which members of the institute have been called abroad to superintend the building of iron vessels, the offspring of their own minds, and these will long stand as monuments of American skill.

Having, perhaps, hereafter no better opportunity to express the deep obligations which the American Institute feels under to the U. S. naval officers of this station, I will improve it by saying that we should be most happy to reciprocate, and have looked about us for the means of so doing.

We can only offer you, gentlemen, in return, our sincere thanks, and the beautiful nautical instruments which are now before you, manufactured by members of this institute, which, by their near approach to perfection, will give you greater confidence in crossing the mighty waters; and should these fail which we offer with one hand, we hold in our other a Francis life boat to succor and to save in the last extremity.

The president then announced the delivery of the premiums, commented upon various specimens and individual manufactures; and the affairs of the exhibition closed with music from the naval band.

THE memorable "armed neutrality" of the north, under the auspices of the empress CATHERINE, formed for the defence of "FREE TRADE," was overthrown in the wreck of the French revolution.

"Russia was prosperous in 1816, '17, '18 and '19 but, fascinated with the theories of Adam Smith and J. B. Say, she adopted a new tariff in 1818, of the delusive plan of letting trade regulate itself.* I this tariff she abrogated her prohibitions, and lowered her duties. The country was immediately deluged with foreign goods, and in due course, drained

^aThe tariff did not go into operation till 1820.

its specie, as these imports in past years, to pay for the surplus of those products, which far exceeded its exports. The most disastrous consequences took place. Circulation was stopped. Distress and wretchedness overspread the land. The manufacturers, as was the case in this country, first fell victims to this mistaken policy. Agriculture next felt the shock; and finally, bankruptcy swept a large portion of those commercial houses whose cupiditas had paved the way for the misery of their country."

The following statement of the sufferings of the country is taken from a circular of the emperor of Russia, signed by count NESSERODE:—(published in 1834.)

"To produce happy effects, the principles of commercial freedom must be generally adopted. The state which adopts, whilst others reject them, must condemn its own industry and commerce to pay a ruinous tribute to those of other nations.

"From a circulation exempted from restraint, and the facility afforded by reciprocal exchanges, almost all the governments at first resorted to seek the means of repairing the evil which Europe had been doomed to suffer; but experience, and more correct calculations, because they were made from certain data, and upon the results already known, of the peace that had just taken place, forced them soon to adhere to the prohibitory system."

"England preserved hers. Austria remained faithful to the rule she had laid down, to guard herself against the rivalry of foreign industry. France, with the same views, adopted the most rigorous measures of protection. And Prussia published her own tariff in October last, which proves that she found it impossible to follow the example of the rest of Europe."

"In proportion as the prohibitory system is extended and rendered perfect in other countries, that state which pursues the contrary system makes from day to day sacrifices more extensive and more considerable."

"The consequences of the prohibition to the manufacturers of other countries—and to our manufacturers *perish in the struggle, which they are as yet unable to maintain.*"

"It is with the most lively feelings of regret we acknowledge it is our own proper experience which enables us to trace this picture. The evils which its details have realized in Russia and Poland since the conclusion of the year 7-19 of the present century, AGRICULTURE WITHOUT A MARKET, INDUSTRY WITHOUT PROTECTION, LAGUISH AND DECLINE, SPECIE IS EXPORTED, AND THE MOST SOLID COMMERCIAL HOTSPES ARE SHAKEN. The public prosperity and the local wealth are injured, and various circumstances, if new regulations did not promptly change the actual state of affairs."

"Events have proved that our AGRICULTURE and our COMMERCE, as well as our MANUFACTURING INDUSTRY, are not only *paralyzed*, BUT BROUGHT TO THE BRINK OF RUIN."

TWENTY-SEVENTH CONGRESS, SECOND SESSION.

SENATE.

On motion of Mr. Walker, of Mississippi, appeared in his seat.

The president of the senate presented a memorial from the anti-slavery society of Pennsylvania, asking that congress would take measures for the removal of the seat of the general government to some non-slaveholding state. Motion to receive ordered to lie on the table.

Mr. Clay gave notice of his intention to ask leave to introduce to-morrow a joint resolution (or joint resolutions) for amending the constitution in regard to the veto power and in regard to the appointment of members of congress to office.

On motion of Mr. Linn, all the petitions and memorials relating to the occupancy, &c. of the Oregon territory, presented since 1835, were removed from the files and referred to the select committee.

Mr. King, presented a bill regulating commercial intercourse with the port of Cayenne, in the colony of French Guiana, and in regard to certain duties, with a recommendation that it do pass.

The resolution submitted yesterday by Mr. Linn, asking what would have been the operation of the land distribution bill if it had been in operation in 1840, was taken up and adopted.

Mr. McRee introduced a bill to establish a mint at Chicago, in the state of Illinois.

Mr. Bates gave notice he should move for leave to bring in a bill to refund the ascertained balance due to Massachusetts for disbursements during the last war with Great Britain.

The bill to establish an additional land office in the state of Alabama was taken up, on motion of Mr. Smith. It was read, after being discussed, was ordered to be engrossed.

The bill to postpone the operation of the bankrupt law having its second reading—

Mr. Benton asked that it be referred to the committee on the judiciary.

Mr. Benton asked the chairman of the committee the reason of such motion, not regarding it proper so to refer the bill.

Mr. Berrien said that several memorials having been referred to the judiciary committee upon the same subject, he regarded the motion as a proper one to make in reference to a bill of the same character.

Mr. Calhoun said he believed that there had been a great reaction upon this question, and instead of there being a majority in favor of it, there was probably an overwhelming majority against it. The bill had been rejected, it could not be re-introduced, and those who wish a modification or a repeal should have an opportunity afforded them.

Mr. Linn and Mr. King were surprised to hear the motion to commit after the action of the senate the other day on the distribution bill. Mr. King said that the motion was repeated, it could not be amended.

No man would rise in his place and say that it ought not to be essentially changed, even if it was not repeated. He hoped the majority would be at least consistent in their action upon this question, and not allow the bill to go to the committee. They had an opportunity afforded to them to show what value they placed upon this principle.

Mr. Mangum said, that he believed it did require great amendment. In its present form, he regarded it as impracticable and incapable of being carried into execution. He had understood that many material alterations still required before the bill could be of any use at all. Mr. A. did not intend the reference to a committee as necessary to this action.

Mr. Calhoun concurred entirely with what had been said by the senator from North Carolina; nor would he now move his amendment to repeal, to the bill, as proposed, a postponement of the operation of the law, if allowed to be left upon the table to be acted upon without a reference.

Mr. Clay said he was not in the senate when the bill in relation to the public lands was before it, but, in reference to the bill now before the senate, it was, in his opinion, referred to the committee. It had been introduced with a view of material amendment for the purpose of adding a new and important feature to those already incorporated in the bill which had passed congress. In regard to this question, he was most willing to be guided by public opinion.

Mr. Henderson said, that he had no extra session, he did so upon the broad ground that was demanded by the commercial sections of the country. In his own state there was no great feeling in regard to the measure. He had seen no evidence of change in regard to public opinion upon this measure. If convinced, however, that the majority of the American people were adverse to the bill, he was willing to be guided by their action, and see it repealed. But he saw no evidence of such opposition, and doubted if the opinion that there was this change was founded on any good evidence.

Mr. Buchanan said that twenty years since he had studied this question practically, and then became convinced of the bad effects of the measure. If there were 500,000 or 1,000,000 bankrupts in the U. S. state, it would be impossible, with the present judicial force, to carry out the bill. This was the great barrier in the way of the execution of the law of 1800.

Mr. Henderson said, if the power to pass a bankrupt law had been taken from the states and given to congress, he should never have urged the consideration of the subject by congress. He did not agree with the senator from North Carolina that the present bill was incapable of execution. He knew it would be of slow execution, but it would do some good. It was not intended as to be more perfect and more quickly executed. He agreed with no senator who said the bill could not be enforced; nor did he agree with the senator from South Carolina, (Mr. Calhoun), who said that the sound part of the community were not in favor of the measure, and that he had a reason for his opinion. He was not sure. He had always known that the money-power of the land was opposed to this bill; but, for one, he would never raise his arm to aid the strong against the weak. Nor did he agree with senators who said this bill had not been discussed. It was well known the measure was matured at a session preceding the last.

Mr. Houston said he had but little interest in the question. The questions in regard to this bill and the bill the other day were different. That was a bill to change the whole of the appropriation. This was a bill proposing no such change, but an amendment to the bankrupt bill.

Mr. Calhoun, having been absent the other day when the land bill was under consideration, had no

samples of consistency to trouble him; the identical were argued over and over again, and its difficulties were to be pointed out by experience and not by consequence in advance. He was opposed to any repeal or postponement, and thought that public opinion had not changed unless in gratification of its passions.

The defects if any will hereafter be pointed out in its execution.

Mr. Buchanan said, sixty days would prove it true if the bill could not be enforced. It would, for this reason, so long as it was unpopular, and then obnoxious. The courts in New York would not be enabled to get through their business.

Mr. Henderson said that the senator from Pennsylvania after pronouncing the difficulties of its execution, did not point out also the manner in which they could be obviated.

Mr. Benton said that in thirty days the law would be enforced unless postponed. He had moved the postponement as the simplest form, because he had foreseen, if he had proposed a repeal, which he preferred, that it would bring on a contest which might go beyond the first of February. He had given his bill the middle form he could get, and he found the bill to commit persisted in. He must, therefore, regard this motion as decisive of the fate of his bill. He would, therefore, move for the yeas and nays.

The question was then taken and decided as follows: yeas 15, nays 21. Names, see page 273.)—So the motion was negatived.

The senate then adjourned.

DECEMBER 23. Mr. Preston from the committee on military affairs reported a bill to settle the claims of Georgia for the services of her militia called out to suppress Indian hostilities, &c. without amendment.

Mr. Clay, agreeably with notice given yesterday, introduced three joint resolutions, the first restricting the veto power; the second, transferring, in certain cases, the power of appointment, from the president to the legislature; and the third, that no member of congress should have any civil appointment during the official term for which he was elected. Each of the three resolutions had in view the same object—the reduction of executive power within proper limits. To this great object he had understood the whig party were pledged prior to the election of 1840. He was not, however, at the time, so not, he felt that he was individually pledged to this object, and now proposed to redeem it.

The resolutions were then introduced, and had their first and second readings, as follows:

Resolved by the senate and house of representatives of the United States in congress assembled, (two-thirds of both houses concurring), That the following article be proposed to the legislatures of the several states as an amendment to the constitution of the United States, which, when ratified by three-fourths of the said legislatures, shall be valid as part of the constitution:

No senator or representative shall, during the term or fraction of a term for which he was elected, be appointed to any civil office under the authority of the United States.

Resolved by the senate and house of representatives of the United States in congress assembled, (two-thirds of both houses concurring), That when a bill which shall have passed the senate and house of representatives of the United States shall be returned by the president, with his objections to its appropriation and signature, it, upon its reconsideration, it shall again pass the senate and house of representatives, by a majority of two-thirds of each house, notwithstanding the president's objections, it shall become a law; and the requirement by the existing constitution of two-thirds of each house again to pass the bill, when ratified by three-fourths of the said legislatures, shall be valid as part of the constitution:

If any bill shall be presented to the president within a period less than ten days (Sundays included) fit to the termination of the session of congress during which it shall have passed, and which he shall refuse to sign at the close of the session, he shall be bound to return it within three first days of the succeeding session. If he should not so return it, the bill shall become a law; and if he returns it with his objections, he shall be bound to sign it, and the true intent required, the two houses of congress shall proceed to consider it, in the manner as it is returned, during the session at which it was passed, and, if upon its reconsideration, it shall again pass each house by a majority of two-thirds of each house, it shall become a law, notwithstanding the president's objections, it shall become a law.

Resolved by the senate and house of representatives of the United States in congress assembled, (two-thirds of both houses concurring), That the secretary, or other head, by whatever denomination it may be called, of the treasury of the United States, and the treasurer of the United States, shall, be, respectively, appointed by a joint vote of the senate and house of representatives, by ballot or viva voce, as the two houses may severally resolve. When appointed, either of them may be removed by a concurrent resolution of the two houses, separately agreed to. No member of them shall be removable by the president of the United States. Congress may provide by law for the case of a vacancy occurring in either of these offices between the periods of the annual appointments.

Mr. C. said he hardly thought it necessary to refer them to any committee; he would simply move to make them the special order for Wednesday, the 12th of January next; which was agreed to.

And, on motion of Mr. Mangum, they were ordered to be printed.

Mr. Preston asked the attention of the senate to the report of the secretary of the treasury giving in detail the plan for the establishment of currency throughout the U. States.

Mr. Tallmadge moved that the report be referred to a select committee of nine senators to be appointed by the chair.

Mr. Buchanan delivered an address in opposition to the scheme.

Mr. Calhoun, also addressed the senate in opposition. He did not rise to oppose the motion to commit, but to express briefly the reasons of his opposition to the plan proposed by the administration.

Mr. Rice, replied to Mr. B. and Mr. C. and regretted that they should have expressed their hostility before it had been modified in committee.

Mr. Mangum obtained the floor, but yielded to a motion for adjournment, and the senate adjourned.

DECEMBER 30. The president of the senate laid before the senate a message from the president, containing a communication from the department of state, in answer to a resolution of the 27th inst. asking "if any proposition had been made to or received from the British government since the 4th of March, 1840, in relation to a mutual right of search," stating that no proposition had been made by either government since that day.

Mr. Allen presented a resolution from the general assembly of the state of Ohio, desiring of congress early action on the subject of apportioning the number to form the representation of the U. States under the census of 1840.

The resolution was laid upon the table.

Mr. Linn presented the preamble and resolutions of the legislature of Missouri, instructing their senators to oppose any law for the repeal of the naturalization laws, and to resist all means designed to cause delay or difficulty in the attainment of naturalization.

Mr. Buchanan presented a memorial of citizens of Warren county, Pennsylvania, asking that the treaty with the Seneca Indians may be annulled.

Mr. Graham submitted the following resolution:

Resolved, That the secretary of war be directed to inform the senate what is the present number of cadets in the military academy at West Point from each state and territory of the union, and from the District of Columbia; what regulation, if any, exists in the war department respecting the appointments of cadets, so as to apportion places among the several states and territories; the number of appointments has at any time exceeded 250, and if so, at what time or times; and whether, when a vacancy has occurred in the corps of cadets from any cause, a successor has been unfurnally appointed in the same congressional district from which his predecessor had been selected.

Mr. Barrow submitted the following resolution:

Resolved, That the secretary of the navy be directed to communicate to the senate a list of the names of the midshipmen appointed from the 1st day of January, 1837, to the 20th December, 1841, and a statement showing the places of nativity of all such midshipmen, and their places of residence at the time of their appointment.

On motion of Mr. Barrow.

Resolved, That the committee on commerce be instructed to inquire into the necessity of an appropriation being made by congress at its present session for the purposes of constructing a new custom house in the city of New Orleans.

The bill for the relief of the Selma and Tennessee rail road company after having been advocated and explained by Messrs. Smith, of Indiana, followed by Mr. King, was ordered to be engrossed.

The bill to authorize the legislature of Louisiana to sell the lands heretofore appropriated for the use of schools in that state was ordered to be engrossed.

The senate then proceeded to the unfinished business of yesterday, being the motion of Mr. Tallmadge to refer a message from the president to a select committee of nine, to be appointed by the chair, when—

Mr. Mangum, of North Carolina arose and addressed the senate in opposition to the project of the secretary of treasury for an exchequer board. After addressing the senate for some time, and then resigning his seat.

Mr. Benton arose and moved to lay the subject upon the table for a moment, in order to move that when the senate adjourns, it adjourn to meet again on Monday next.

The resolution was informally passed over, and the motion put upon the question of adjournment to Monday, which was carried in the affirmative.

Mr. King moved an executive session, which was ordered.

Mr. Huntington then gave notice of his intention to speak upon the question of reference before the vote was taken.

The senate then went into executive session, and soon after adjourned.

JANUARY 1. Various memorials were presented by Messrs. Wright, Benton, Buchanan and Calhoun, praying the relief, modification or postponement of the bankrupt law.

Mr. Buchanan presented a petition from certain citizens of Warren county, Pennsylvania, remonstrating against the confirmation of the treaty with the Seneca Indians.

Mr. Woodbridge presented a petition from citizens of Michigan, asking the intervention of government in behalf of the Americans held in duress in Van Dieman's land.

Mr. Barrow introduced a resolution, which was adopted, directing the committee on naval affairs to inquire into the expediency of regulating by law the appointment of midshipmen, so as to give to each state in proportion to its representation in congress.

The resolution submitted on December 30 by Mr. Graham, in relation to the appointment of cadets, was taken up and adopted.

Mr. Bates, agreeably to notice, asked and obtained leave to bring in a bill to refund the ascertained damage to Massachusetts for advances made by her during the late war with Great Britain.

The following bills were read the third time, and passed.

A bill for the relief of the Selma and Tennessee rail road company.

The bill to authorize the legislature of Louisiana to sell her lands heretofore appropriated for the use of schools in that state.

The senate then proceeded to consider in committee of the whole, the bill allowing drawback on merchandise exported in the original package to Chihuahua and Santa Fe, in Mexico.

This bill having been advocated and explained by Mr. Huntington, followed by Messrs. King, Linn and others, was ordered to be engrossed.

The bill to provide for the allowance of invalid pensions to certain Cherokee warriors, under the provisions of the article of the treaty of 1835 was considered in committee of the whole, and having been advocated by Mr. Pierce, was ordered to be engrossed.

Mr. Benton said that he would avail himself of the first day in business to call up his bill for the postponement of the bankrupt law.

The question of referring the bill and report of the secretary of the treasury coming up for consideration as the unfinished business.

Mr. Huntington, addressed the senate in opposition, and analyzing the bill and accompanying report in order to demonstrate that it was to be one of government power, government property, government influence, controlling the government, and controlled by the government; and would be destructive of the public liberty. After concluding, Mr. Bates rose to controvert the discussion, but the time being, general wish to adjourn, Mr. B. yielded the floor for that purpose. And the senate adjourned.

JANUARY 4. Mr. Wright presented a petition from citizens of Buffalo, asking the interference of the government in behalf of the American citizens, prisoners at Australia.

Mr. Young, on leave, introduced a bill further to amend an act, entitled 'an act to appropriate the proceeds of the sales of 1840 equines, and to grant pre-emption rights.'

The following bills, ordered to be engrossed, were severally read a third time and passed:

The bill to provide for the allowance of invalid pensions to certain Cherokee warriors, under the provisions of the 14th article of the treaty of 1835.

The bill to allow drawback on goods exported in original packages to Chihuahua and Santa Fe, in Mexico.

On motion of Mr. Linn,

Resolved, That the secretary of the treasury send to the senate a statement of the quantity of public lands in Missouri, reserved from sales in cases where the lines of private survey of claims derived from France and Spain interfere with public surveys; and whether, in his opinion, such fractional parts of the national domain are liable to the operation of any pre-emption laws, and what injury would result to public or private rights by extending the benefits of such a law to the settlers on such fractional parts.

Mr. Linn also submitted the following:

Resolved, That the president of the United States be requested to give the notice to the British government which is required by the 18th regulation of the treaty of 1840, to put an end to the treaty for the joint occupation of Oregon, west of the Rocky Mountains, and which territory is now possessed and used by the British Hudson Bay company, to the ruin of the American Indian and fur traders in the country, and conflicting with the inland commerce with the interior provinces of Mexico.

On motion of Mr. Preston,

Resolved, That the committee on the judiciary be instructed to inquire whether any further legislation be required to determine more accurately the rights and duties of the vice president and president of the senate, in case of death, resignation or removal; and the mode of succession in case of death, resignation or removal of any of those officers; and to report by bill or otherwise.

The senate then proceeded to the unfinished business of yesterday, being the motion of Mr. Tallmadge to refer the plan of a fiscal agent to a select committee of nine, to be appointed by the chair, when, Mr. Bates arose and addressed a speech in opposition to the scheme, and he hoped that it would not be referred to a select committee. He hoped the adulterous progeny of northern federalism and Virginia abstraction might be strangled in its very birth.

Mr. Morehead rose to continue the discussion, but an executive session was moved and carried, and the debate closed soon after two o'clock, and the senate adjourned.

JANUARY 5. The president of the senate laid before the body a communication from the general post office, showing the expenses of the contingent fund for the year 1841.

The following memorials and petitions were presented and appropriately referred to the committee by Mr. Bates: From A. W. Townsend, in favor of a protective tariff.

Also, from citizens of Warren county, Pennsylvania, stating that gross frauds had been practised upon the Tuscarora and Seneca Indians, and asking that no appropriation may be made to carry the treaty into effect.

Reports from committees were presented by Mr. Linn from the committee on private land claims, without amendment, the bill to continue in force the act for the final adjust of private land claims in Missouri, approved July 13, 1832, and the act supplemental thereto, approved 28 March, 1839.

By Mr. Morehead, from the committee on military affairs, the bill to settle the claims of the state of Maine for the services of her militia.

Also, from the same committee, asking to be discharged from the further consideration of the memorial of Monsieur Gonon, in relation to a system of telegraphs.

Mr. Morehead said he would prefer that the report lie on the table for the present; which was acceded to by Mr. Preston.

The motion of reference of the report of the secretary of the treasury coming up as the unfinished business of the senate, was taken up, and Mr. Bates delivered a speech in opposition to the scheme. Having concluded, Mr. Simmons, of R. Island arose and addressed the senate. He suggested the propriety of framing some kind of an agent by iterations and modifications of the plan as proposed.

Mr. Woodbury (Mr. Simmons having concluded) rose and expressed a desire to say something upon the subject; but, as the hour was late, an adjournment was moved and carried. And the senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, DEC. 30. The house resumed the unfinished business of yesterday, being the reference of the tariff, and

Mr. Morehead advocated its reference to the committee on ways and means.

Mr. Winthrop followed in favor of the committee on manufactures, after which

The house adjourned.

MONDAY, JAN. 3. Mr. Cooper, of Pennsylvania, introduced to the house the hon. Mr. Russell, member elect from the state of Pennsylvania, (vice Judge Black, deceased), who was qualified and took his seat.

Mr. Stuart, of Illinois, gave notice of a motion for leave to introduce a bill to establish a port of entry at Chicago.

The house resumed the consideration of the unfinished business of Thursday, being the amendment offered by Mr. Rhet to the amendment proposed by Mr. Jetherton to Mr. Fillmore's resolution to refer parts of the president's message as refers to the tariff, to the committee on manufactures.

Mr. Wm. C. Johnson, of Maryland, expressed at large the reasons that should induce him to vote for the reference of the subject to the committee on ways and means, and having concluded,

The speaker gave the floor (there being many competitors) to

Mr. John C. Clark, who said that he did not rise to make any remarks, but God forbid (continued he) that upon this question, and at this time, I should indulge in any comments upon the great questions connected with this discussion.

the decision of the question just voted would dispose of this also.

Mr. Gamble moved that they be all laid on the table. Mr. Adams asked the yeas and nays on the laying the first of the series on the table, which were ordered. And the roll having been called through—

Mr. Sturdy (pending the announcement of the vote) rose and desired to be informed by the speaker at what time of the proceedings it would be in order to move that gentlemen who had not voted should be called upon to do so.

His object in making the inquiry was, that there were certain supporters of Martin Van Buren who had been desirous of making political capital out of this motion, who had not voted.

The speaker said the gentleman was not in order. Mr. Sturdy said there were gentlemen on this floor—one from New York especially—who had not voted. He (Mr. S.) had made the inquiry in order that these gentlemen might be compelled to vote.

The speaker. The gentleman has a right to demand that any gentleman who was within the bar shall vote.

Mr. Sturdy. A representative from the city of N. York did not vote on this question, and I think he should be compelled.

(Cries—Name him.)

The speaker (addressing Mr. Sturdy). Will the gentleman give the name?

Mr. Sturdy. Yes; Mr. Roosevelt.

Mr. Roosevelt (addressing Mr. Sturdy) was understood by the reporter to say, "If you want my sentiments on that question, you shall have them."

Mr. Sturdy. No I want your vote; for you have sometimes voted both ways.

The speaker called to order, and read the 40th rule, (new edition) which is as follows:

"Every member who shall be in the house when the question is put shall give his vote, unless the house, by a special vote, excuse him."

Mr. Sturdy said he would not press the matter. He only wished to call attention to the fact.

Mr. Roosevelt. I am happy to find that my vote is of so much importance to the gentleman from North Carolina.

Mr. Sturdy said the gentleman's vote was of no importance to him (Mr. S.) that he knew of, nor to any body else.

The speaker then announced the vote, ayes 103, noes 87. So the petition was laid on the table.

The petition of S. S. Sheldon and 361, others, of New York Mills, presented heretofore by Mr. Floyd, of New York, continued in its turn.

Mr. Adams (after some conversation with the speaker) asked for a vote on all the petitions *seriatim*, though, he said, he would not call the yeas and nays.

Mr. Sturdy asked the yeas and nays; which were ordered.

Mr. Roosevelt appealed to the gentleman who made the motion to lay on the table to withdraw it for a moment, to enable him to say a word in explanation.

Mr. Gamble declined.

The question was then taken, and decided as follows: yeas 107, nays 83. (Mr. Roosevelt voting in the affirmative.) So the petition was laid on the table.

Several other petitions of the same series, were laid on the table without a division; when

Mr. Arnold rose to make a motion which, he said, might perhaps give offence to some of his friends. It was a privileged motion. He moved to reconsider the vote of yesterday on the amendment of the gentleman from New Hampshire, (Mr. Adams), in order to refer so much of the president's message as related to the tariff to the committee of ways and means.

As he did not wish to detain gentlemen, and as this was a little matter between himself and two of the representatives from N. Hampshire, (Messrs. Burke and Adams), he was the usual dinner hour had nearly arrived, and gentlemen might wish their dinners, he would merely tax the gentlemen referred to and the speaker to stay and hear what he had to say. It was due to himself that he should make this motion.

Mr. Giddings inquired of the speaker if this motion was now in order?

The speaker. It is a privileged question, and rides over all others except the question of adjournment.

After some conversation between Messrs. Wise, Arnold and the speaker, on a point of order.

Mr. Arnold said, as it was the pleasure of the house he would go on now; and he should not feel slighted if gentlemen did not remain to hear him. He had been assured, he did not regard that, but his state had been assailed, and his constituents; and this was the worst of all, his democratic constituents were assailed by a democratic member on this floor.

Mr. Arnold perceived there was in a strain of anxiety, and Mr. Adams called on gentleman from Tennessee to order.

The speaker said that, strictly, the debate was not in order, nor had been much of that allowed on the same question. The debate had opened out by degrees, and the chair did not consider himself after the debate had gone on so far, at liberty to arrest it now. The question of order had been raised some days since by the gentleman on his left, (Mr. G. Davis), and the chair had not at that time felt himself at liberty to arrest the debate, so wide a range had been already allowed by the house. As long as the remarks were not personal, the chair could not arrest the debate.

Mr. Wm. O. Butler appealed from the decision of the chair, and called the yeas and nays on the appeal. Excited debating ensued.

Mr. Wm. O. Bur said as the appeal would lead to a debate, he would withdraw it.

Mr. Borne renewed the appeal.

The excitement and confusion continuing, Mr. Burton, of Virginia, obtained the floor, and remarking that he had been forty years in public life, and had never seen the motion he now intended, and which he thought should be carried out of self-respect, moved that the house adjourn.

Which motion prevailing, the house adjourned.

WEDNESDAY, JAN. 5. The journal of yesterday having been read, Mr. Adams moved to amend it as follows:

"Strike out the instructions from the journal of yesterday, on his motion of December 14, as Mr. A. says he withdrew the instructions and only moved to refer, the speaker having stated, on that day, the instructions were not in order, except by general consent; and Mr. Carr Johnson having objected thereto. Mr. Meredith moved to lay the amendment on the table.

Mr. Adams called for the yeas and nays, which were ordered, and, being taken, were: Yeas 99, nays 78. So the amendment was laid on the table.

Mr. Briggs called for the orders of the day.

The speaker stated the business before the house to be the question on the appeal taken yesterday by the gentleman from New York (Mr. Borne) from the decision of the speaker; [by which decision the question of order raised by Mr. Borne against the remarks of Mr. Arnold was overruled, and Mr. A. permitted to proceed.]

The appeal was briefly debated by Mr. Gealey, who appealed to the justice of the house to allow his colleague (Mr. Arnold) an opportunity of replying to the remarks that had been made by the gentleman from New Hampshire, (Messrs. Eastman and Burke), who speech after speech, although the speaker had allowed by the house, an opportunity of reply, which would, from the necessity of the case, also be out of order, should be given to his colleague.

Mr. Hopkins was about submitting a remark, when he yielded the floor, and Mr. Fillmore, from the committee of ways and means, reported the following bill:

A BILL to authorize an issue of treasury notes.

Be it enacted, Sec. That the president of the United States is hereby authorized to cause treasury notes, in lieu of those heretofore or hereafter redeemed, to be issued for such sum or sums as the exigencies of the government may require, but not exceeding the sum of five millions of dollars of this emission outstanding at any one time, and to be issued under the limitations of other provisions contained in the act entitled "an act to authorize the issuing of treasury notes," approved the twelfth of October, one thousand eight hundred and thirty-seven, and as modified by an act entitled "an act additional to the act to authorize the issuing of treasury notes," approved the thirty-first of March, one thousand eight hundred and forty, except that the authority hereby given to issue treasury notes shall expire at the end of one year: from the passage of this act, if not sooner terminated under the proviso to this section; provided, that the authority hereby given to issue treasury notes shall cease and determine as soon as the loan authorized by the act of July twenty-first, one thousand eight hundred and forty-one, or which may be authorized by any other act, shall be negotiated and rendered available.

Mr. Stuart, of Illinois, moved to lay the bill on the table.

Mr. W. Carr Johnson said he would vote against laying the bill on the table, although he would be compelled to vote against the bill itself.

And the question on the motion of Mr. Stuart was taken and decided in the negative, yeas 33, nays 163.

So the motion to lay the bill on the table was rejected.

And on motion of Mr. Fillmore, the bill was referred to the committee of the whole on the state of the union, and ordered to be printed.

Mr. Jackson gave notice that when this bill came up, and Mr. Adams called on gentleman from Tennessee to order.

Mr. Arnold said he believed his case now came up before the house. [A laugh.]

Mr. Borne demanded the yeas and nays on the question of appeal; which were ordered by the house.

The speaker then stated the question. He had understood the gentleman from N. York (Mr. Borne) to call the gentleman from Tennessee (Mr. Arnold) to order for irrelevant remarks. The speaker had overruled the point of order, deciding that although the remarks of the gentleman from Tennessee were, strictly speaking, out of order, yet they were not, after the debate had been allowed such a latitude by the house. From this decision the gentleman from New York had taken an appeal to the house; and the question was now on that appeal.

The clerk then commenced calling the roll on the question of the decision of the speaker stand as the judgment of the house?"

Mr. Adams' name having been called, Mr. A. said he understood the question to be, whether the gentleman from Tennessee (Mr. Arnold) should be permitted to make a speech here in direct defiance of the rules of the house; and that the speaker had decided that he should proceed in direct defiance of the rules, because the speaker had already permitted others to speak in the same manner. He could not vote to sustain the speaker in that position; because in doing it he must vote in annihilation of the rules themselves. He held the speaker responsible for the rule itself said he should be for arresting any member the moment he gets out of order; and the speaker could not justify a subsequent decision for violating the rules of this house, because it had been done before. It was intimately connected with the existence of the house, and therefore he could not vote to sustain the speaker's decision.

The speaker remarked that he had decided yesterday in the hurry of the moment that this appeal was debatable; but from further reference to the rules he was satisfied that it was not, appeals on questions of relevancy and personality not being debatable. And he would add that as the gentleman (Mr. Adams) insisted on the rigid application of the rules, he would call the gentleman to order.

Mr. Adams. This is a new decision, is it? It stops me. I say, "no," then, to the support of the speaker's decision.

The question was then taken, and decided in the negative, as follows: yeas 67, nays 83.

Thus the appeal from the decision of the speaker was sustained.

Mr. Arnold said he supposed he might now be allowed to proceed in order.

The speaker said that the gentleman from Tenn. (Mr. Arnold), having been called to order only for irrelevant remarks, would now be allowed to proceed in order.

Mr. Arnold said he would endeavor to proceed in order.

The speaker said, to avoid further difficulty, he would state to the gentleman that this was a mere question of order, and now, after the decision of the house, the debate must be confined strictly to the limits of the rule.

Mr. Arnold said he had been afraid of that.—[Laughter.] He was of the opinion that the motion might be made to the house that he should be permitted to reply to the gentleman from New Hampshire.

Mr. Gilmer wished to make a suggestion to the gentleman from Tennessee.

Mr. Arnold said he understood the proposition the gentleman wished to make, and could not agree to it. If it would not be in order to exhibit his statistics to the house and the country, and run a parallel between the misery, poverty and wretchedness of New England, and the prosperity, buoyancy and hope of Tennessee, this opportunity of speaking could avail him nothing. If he could not do this, he must die as gracefully as he could. He could not expect to die as gracefully as Caesar did at the foot of Pompey's statue; but he was situated a little like Caesar, in this respect, and he might say to the venerable gentleman from Massachusetts, (Mr. Adams),—"Et tu Brute!" (General laughter.)

Under the circumstances of this case, he should unquestionably be justified before the world, and by his constituents, in writing out his speech and publishing his statistics; he would be following the example of the venerable gentleman from Massachusetts in this respect, and he might say to the gentleman of the hon. gentleman from N. Hampshire, (Mr. Burke), whose speech was a written one. Therefore, as they seemed to apply the rules to him, he would withdraw the motion for reconsideration; and he supposed they would adjourn, go home, and take dinner.

Mr. Hopkins then moved that the house adjourn, and the house adjourned.

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THE TARIFF by a native of Louisiana.
PROCEEDINGS IN CONGRESS.
CRONKLE.

CONGRESS. On Thursday the question was taken in the senate on referring the report on the exchequer scheme to a select committee and decided in the affirmative *nem. con.* after which in consequence of the accumulation of business in the committees, the senate adjourned to Monday.

In the house of representatives on Thursday the treasury note bill after being debated in committee of the whole, was reported with amendments.

SUPREME COURT. On Monday last the 100th, the supreme court began its annual session. The chief and all the associate justices are present. On Wednesday Mr. Legare made his debut as attorney general.

APPOINTMENTS BY THE PRESIDENT.

BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.
POSTMASTERS.

James K. Gibson, at Abington, Virginia. Benjamin W. Hale, at Newburyport, Massachusetts. Jacob Robbins, at Lowell, Massachusetts. William C. Beardsley, at Auburn, New York. James Coleman, at Oswego, New York. Andrew Palmer, at Toledo, Ohio.

LAND OFFICERS.

Register. R. K. McLaughlin, reappointed at Vandallia, Illinois.
Receivers. Henry Smith, reappointed at Vandallia, Ill. Armand D. Cary, reappointed at Sparta, Ala. Samuel Cruise, reappointed at Huntsville, Ala. Edward H. Haddock, at Chicago, Illinois, vice Eli S. Prescott.

JAMES LAWRENCE DAY to be "agent on the coast of Africa for receiving the negroes, mulattoes, or persons of color, delivered from on board vessels seized in the protection of the slave trade by commanders of United States armed vessels."

THE TRADE OF THE LAKES.

GENERAL TALLMAGE'S ADDRESS. We were much surprised by some of the statements in relation to this trade in the speech of Gen. James Tallmage before the American Institute, New York, inserted in a recent number of the Register, but without leisure at the moment to examine them. An article in the Buffalo Commercial Advertiser of the 29th ult. contests the accuracy of those statements. It says: "In alluding to the effects of the British system of high duties, upon American products when carried in American bottoms, as throwing a large proportion of that commerce into the hands of British owners, to be transported in British bottoms, Gen. Tallmage makes the following statement, professing to be derived from the documents sent to congress 2d March, 1841, showing the tonnage and vessels which entered the United States in 1840:

"The commerce and navigation on the Western Lakes, exhibit a case yet more extraordinary:
Lakes, *like a case yet more extraordinary:*

Lake Ontario.	Vessels.	Tonnage.
American,	599	63,517
British,	1,011	215,050
Lake Erie.		
Detroit—American,	7	593
" British,	155	12,000

Buffalo, Cleveland and other places, seem to be omitted; and the tables are too imperfect to state the commerce of the Upper Lakes."

The figures here given for number of vessels, must, of course, be intended for *cruisers*.

Now what does this statement mean? Is it pretended, in the face and eyes of facts, that the commerce of Lake Erie is almost entirely in the hands

of the British, and carried on in the British vessels? The reverse of this is known to be the case by every man of common intelligence, who has ever heard of the commercial transactions on our western waters! To show the glaring error of Gen. Tallmage's statement, with regard to the business of Detroit, we give the amount of tonnage registered at Detroit for the year 1850—All American vessels—derived from an official source. There were 22 steamboats, 36 schooners, 8 sloops, 1 brig, and 1 ship, with an aggregate tonnage of 7,472 tons. Multiplying the entrances of these craft by their tonnage, would show the actual American tonnage entering: the port of Detroit during 1850. The returns of 1841 would show an increase over this result. So much for the "77" entrances of American vessels, with the grand total of "5937" tons produced by their aggregated business! The number of British vessels on this lake, besides their armed steamers, we have no positive means of knowing—it cannot, however, much exceed half a dozen. On Lake Ontario the number is—We incline to think—somewhat larger than the number of American vessels.

The tonnage registered at Buffalo is now, in round numbers, 15,000 tons—at Cleveland nearly 10,000 more—making some 33,000 tons of *American* tonnage on this lake, registered at only the three principal ports. We shall ere long be in possession of official returns from the different ports of the lake, which will furnish when published a full exhibit of the different craft now employed upon its waters.

Again; Gov. Tallmage says—"The tolls on the Welland Canal suddenly rose from \$12,000 to \$50,000 *averaging* (Halifax) and the tolls and freight of the New York Canals fell a corresponding amount, after the treaty with England, which sacrificed us to the West India trade."

We should like to know at what time the tolls of the Welland Canal were swelled to any such amount. The business done through that channel has been a trifle greater this season than for any previous season, and the tolls received, up to the 31st October, was but \$18,583, *Halifax*.

The great inaccuracy of General Tallmage's statistics, show that in his desire to make out his case, he is not quite so particular about his facts as is desirable to a right understanding of the whole ground.—We certainly have not—and need not have—any anxiety to bolster up the business of our lake, and magnify its importance; but we desire that it be not so grossly misrepresented or misunderstood before so eminent and influential a society as the American Institute, as to be incorporated in its published proceedings, and circulated throughout the world as a true record.

MARYLAND.

ANNUAL MESSAGE OF THE EXECUTIVE.

TO THE GENERAL ASSEMBLY.

Gentlemen of the senate,

and of the house of delegates,

The nature and extent of our pecuniary embarrassments are so well understood, that it is only necessary, at the present time, to notice the new aspect which they have assumed since the last session of the legislature. The law, then passed, for assessing and taxing the whole property of the state, was intended to provide a permanent revenue, of sufficient amount to pay the interest of the public debt punctually as it became due. But as it was known that some time must elapse, before the proceeds of the tax could be collected and paid into the treasury, the commission-ers of loans were authorized to borrow five hundred thousand dollars, for the purpose of supplying the deficiency in the revenue for the present year. Loans were obtained, principally from the banks, to the amount of about four hundred thousand dollars, which enabled him to discharge the interest of "the public debt on the first of Jan. and the first of Feb. to be; it was found impossible to borrow a sufficient sum for the next quarterly payment, and I regret to say that the state is without the means of paying the interest which will become due on the first of January. It will be understood however, both at home and abroad, that the legislature, in laying a permanent tax for paying the interest of the public debt, are authorizing a loan for supplying the temporary deficiency of the revenue, did all that was then in their

power to comply with the obligations of the state. The assessment returns have not been received from all the counties, and the amount of taxable property in the state is not yet ascertained. It will probably fall short of the general estimate, and in that case a higher rate of taxation, than is provided for by the bill of last session, will be required to meet the increasing demands on the treasury.

The public debt is now fifteen millions two hundred and thirteen thousand dollars, of which, about ten millions may be considered as bearing on the state. The subscription of three millions to the Baltimore and Ohio rail road company, was paid in state bonds, and will not yet be needed, and are not yet chargeable with interest. The previous subscriptions to that work, amounting to one million of dollars, have yielded a revenue more than sufficient to pay the interest on that portion of the public debt. The Baltimore and Susquehanna rail road company, having been compelled to apply its net revenue to the payment of old debts, has been unable, as yet, to contribute any thing towards the relief of the treasury. But its profits are gradually increasing, and its debts are nearly extinguished. In September last, it paid seven thousand dollars to the treasurer, and there is very little doubt that the future profits of the work will supply the means of paying a considerable portion of interest on that part of the debt which was contracted for its use. On the loan of one million of dollars to the Tide Water canal company, no part of the interest has been received since the first of last January. The loans and subscriptions to the Chesapeake and Ohio canal company, amounting to more than seven millions of dollars, have been the principal cause of the heavy embarrassments in which the state is now involved; and until that work is completed to Cumberland, the interest on the whole investment will continue to be a charge on the treasury. While it is therefore of the utmost importance to finish the canal, it is evident that we have not the means of providing funds for that purpose. It would be unavailing to attempt to borrow money at present, on the credit of the state, or to force out a new issue of bonds, when those which have already been offered for sale are rejected in every market.

[BANKS.]

The banks of this state have persisted so long in refusing to redeem their notes, that there is no reason to expect that they will return of their own accord to the path marked out to them by their charters. It is now a question for the legislature to determine, how much longer they are to be permitted to disregard the laws of the state and the rights of the community.

The opinion may still be entertained, that the state banks can never be properly regulated without the aid of a national bank; and that as their present condition is attributable to the want of such an institution, no remedy can be provided by state legislation. A reference to the banking system of England will show how far a great, general, national institution, connected with the government, has had the effect of limiting the number, or regulating the issues of local or private banks.

Country banks began to spring up every part of England immediately after the war of the revolution, and continued to increase till the year 1793, when a redundant currency and a general spirit of speculation and over trading produced a violent reaction, and consequently "an extent of misery and bankruptcy which until then had never been known in that country." Three hundred and fifty banks had been in full operation; and of this number, one hundred stopped payment, and upwards of fifty were entirely destroyed.

In 1797, another crisis occurred. In the latter part of the previous year, heavy demands were made on the country banks; and some of these failing, all confidence was at an end, and the Bank of England was reduced to so great an extremity as to be compelled to suspend specie payments; which were not resumed till the year 1800.

In 1816 and the two previous years, two hundred and forty country banks stopped payment, of which number, eighty-nine entirely failed. One pound notes were then in circulation, and to use the words of the writer, from whom these statements are taken—"the failures that then occurred, affected the industrious classes, swallowing up in

an instant the fruits of a long life of laborious exertion.

In 1823 confidence had revived; and the banks began, as usual, to enlarge their issues; and in the two following years, the amount of their paper in circulation was increased nearly fifty per cent. Speculation, overtrading and extravagance immediately ensued, and in 1825, the banks were again in another scene of distress and bankruptcy.

Nothing is more common than to ascribe public embarrassments to some other cause than the real one, and consequently to provide remedies which frequently aggravate the evil. Prior to the explosion in 1825, a bank partnership could not consist of more than six persons, and it was supposed that the mischiefs of the banking system were caused in a great measure by that regulation. Accordingly, joint stock companies were established, without any limitation as to the number of partners.

Three of these companies commenced operations in the year 1836; in 1836, the number had increased to fifty-six; in 1836 forty-five companies were formed; and many of these having numerous branches, it was computed that two hundred joint stock banks were established in that year. They immediately commenced the work of adding to a paper currency, already redundant, and continued to do so until the first of December, 1836; when the credit system having been strained to its utmost limits, suddenly gave way, and a change from artificial prosperity to real distress such as invariably attends the excessive use of paper money, immediately took place in every part of England.

The sketch of the English banking system shows that the Bank of England has, for a century past, whether in time of peace or war, or during the continuance of specie payments or a general suspension, has been unable to control joint stock or private banks, or to regulate their issues, or even to protect itself from the effect of their mismanagement. It is therefore difficult to conceive, how the banking system of the United States, pushed as it generally is to the very verge of bankruptcy, can be regulated by a national bank or a fiscal corporation. There can be very little doubt, however, that the banks of every state may be regulated by the authority from which they derive their charters.

Whether the banks of this state ever intend to redeem their notes is altogether uncertain; though there has been occasionally a rumor that they were ready to resume, whenever a similar movement was made by the banks of Pennsylvania, Virginia and the west. But to make resumption in Maryland dependent on the resumption elsewhere, is to postpone it to an indefinite period, and to leave the banks without any permitted to act as they pleased, till those of other states chose to comply with their obligations, the consequence might be, that instead of encouraging each other to resume they would enter into a general combination to prevent it.

It has been frequently remarked, that the people owe the banks, and the banks owe the people; and that if the first will pay the latter will do the same. Individuals, and not the people are indebted to the banks, and are often accommodated and indulged at the expense of the whole community. The great mass of the people, especially in the country, do not apply for bank loans, and it is only the few who they did; but they all have an interest in the value of the paper which is daily passing through their hands.

The reason, generally assigned by the banks for not resuming is, that it cannot be done without serious injury to the community. Individuals might give the same reason for not paying their debts, that is, that they could not, and the money which they have loaned out, without putting their debtors to inconvenience. This excuse might be urged at all times, and if sufficient, would justify a perpetual suspension. It has also been urged, as a reason for not resuming, that the exchanges are too much in favor of the eastern cities. Bank notes are at a discount of three or four per cent. in New York, because they are not paid in specie. This is not the rate of exchange between the two cities, but a difference of value between the paper of their respective banks. And it is hardly necessary to add, that the depreciation in the paper of our banks, having been caused by their refusal to redeem, ought not to be urged as a reason for their continued suspension.

It is supposed that the banks of this state find it more difficult to redeem their paper, because they are not permitted, like those of New York, to issue notes of a less denomination than five dollars; and thus the failure to comply with that promise is suggested as the reason for their refusing to resume. They would gain by the destruction of the small notes, in proportion to the loss of the public; and this is the only advantage they could derive from their issue. If an inferior currency had not already banished specie from circulation, the banks might succeed in drawing

it from the pockets of the people by means of their one dollar bills. But if they kept it in their vaults, they would gain nothing by the operation; and if they parted with it, their liabilities would be increased in proportion to the amount of their new issues. The risk of suspension would be increased in a much greater proportion because the small notes would pass into the hands of a greater number of citizens, and the amount of suffering from the new issues, and for that reason, are more likely to make a run upon the banks.

Admitting, however, that the privilege of issuing small bills might be convenient to the banks, the proper inquiry is, whether it would be of any advantage to the community. The people are already disappointed any material benefit from a resumption of specie payments, while corporations and individuals are permitted to issue and circulate every description of small notes. To restore the currency of the state to its proper condition it is necessary to compel the banks to resume specie payments, and to allow no other means to prevent them from issuing, receiving, or paying out, any notes of a less denomination than five dollars; to prohibit other corporations, as well as individuals, from issuing paper of any kind for circulation; and to get rid of the rail road orders, which the people are daily receiving in exchange for their specie.

These orders are fast reaching the point of depression, at which they will cease to be a currency; and it has been proposed to raise their value, by throwing upon the banks the responsibility of redeeming them. It is well to consider, whether the banks have a right to adopt the issues of the rail road orders, and what would be the effect of such an arrangement on the general currency of the state. They were authorized, by an act of last session, to receive and pay out these orders, which they could not previously do without violating the laws. But they were not authorized to adopt them as their own currency, or to become answerable for their redemption, or to make specie payments which might be sustained by their depreciation. If they have a right to use their funds in this manner for the purpose of raising the value of the rail road orders, they have equal authority to enter into an arrangement with the city of Philadelphia for redeeming the notes of the United States bank.

But the banks could not assume the payment of the rail road orders, if they had a right to do it, without injuring their own credit, and increasing the difficulty of resuming specie payments. They are now unable or unwilling to redeem their own paper, reduced as it is in amount; and if they were to assume the payment of a million and a half of dollars, in addition to the present amount, it would be the payment of a debt, which they were in a state of insolvency, and their own notes, instead of being at a discount of three or four per cent. would probably sink to the level of the rail road currency. It is contended, that the proposed arrangement, if carried into effect, would furnish the banks with the means of resuming specie payments, and that the payment of the rail road orders, which might be required for change, and the rest would be returned to the banks. Whether they were kept in circulation or not, the liabilities of the banks would be increased in proportion to the amount assumed, while their additional means of meeting them would consist of unavailable stock. If the adoption of the rail road orders would enable the banks to resume, it would at the same time prevent the people from deriving any benefit from specie payments. They would be real currency, and the principle of specie circulation would be a nominal and deceptive one, that will enable the banks to evade their obligations.

The rail road orders were issued and received without the slightest expectation that the banks would ever be required to redeem them. The rail road companies entered into contracts, in July, 1840, for the extension of their work from Harper's Ferry to Cumberland. They had previously consented to receive city stock to the amount of three millions of dollars, which sum the city of Baltimore had subscribed for the construction of that part of the road. But as the stock could not be sold without a great loss, the companies were obliged to take it at the basis of a currency; which, it was said, would afford important advantages to the public, as well as the most undoubted security to the holders. This scheme has enabled the rail road company to dispose of city stock, to the

amount of one million five hundred thousand dollars, at its par value; and to transfer to the holders of their certificates, the risk and loss which they were not willing to encounter themselves of selling it in the market.

The city of Baltimore and the rail road company have had all the benefit of the stock orders; the first, in saving the interest on an equal amount of stock; and the second, in making the interest on the same work. On the other hand, the banks were embarrassed by the measures that relieved the rail road company. In 1839, they advanced five hundred thousand dollars on account of the city subscription, because they were informed, that, without a loan to that amount, the commencement of the road, beyond Harper's Ferry, would be postponed; they have since had a large portion of their own paper displaced and their profits diminished, by the circulation of the rail road orders; and now they are expected to repair the loss, which the depreciation of those orders has occasioned to the public.

The banks are in no condition to perform any act of supererogation. They ought to be compelled, promptly and unconditionally, to redeem their own paper, meet their own liabilities, and comply with all the conditions of their charters; but it would seem to be unreasonable and unjust to make them answerable for the acts of other corporations, or for the redemption of any other paper than their own.

A further modification of the tariff, with a view to the protection of particular interests, has been made the subject of legislative resolutions in several of the states; and has been recently pressed upon public attention with so much earnestness, that I have been induced to submit a few observations, respecting the probable effect of such a policy upon the interests of the agricultural states.

The advocates of this policy complain of the heavy burdens, imposed by other nations on our flour, grain and tobacco; and insist, as a proper measure of retaliation, that high duties should be laid upon the foreign articles as come in competition with our domestic manufactures. It is thus proposed to compensate the agricultural states, for the restrictions imposed on the sale and consumption of their produce, by subjecting them to new burdens at home for the benefit of other sections of the union. It can hardly be expected that increased duties at home will cause a reduction of duties in other countries, and it is well to consider the value of our present markets, before we incur the risk of making them worse. Great Britain, in pursuance of her own policy, which has been introduced into the country as the true American system, restricts the importation of breadstuffs with a view of protecting her agricultural interests. Her restrictions on our exports are not greater than ours have frequently been upon her manufactures; and we have no reason to complain, as long as she admits our products on the same conditions that are imposed on those of other countries. In times of scarcity she admits our flour and grain, on the payment of increased duties; and it must be recollected that her corn laws do not extend to her colonial possessions, which furnish extensive markets, not only for our agricultural produce but also for our manufactures. In the year, ending the last of September, 1840, the domestic exports from the United States amounted to sixty-four millions of dollars. In that amount the following agricultural productions are included:

1,717,019 bushels of wheat, valued at	\$1,620,631
1,817,239 barrels of flour	6,939,637
286,611 bushels of corn	88,807
1,019,121 barrels of mixed meal	41,800
49,293 bushels of rye flour	156,913
Rye, oats, peas, and beans	76,604
74,876 barrels of ship bread	292,167
15,466 kegs do.	
33,122 hogheads of tobacco	3,776,770
495,366 pieces of cotton	141,983,922
24,029 tierces of rice	418,577
	42,402,499

\$55,937,232

The remainder of the sixty-four millions is made up of the productions of the forest and sea, and of various articles of domestic manufactures, such as hats, saddlery, coaches and other carriages, boots and shoes and household furniture. The manufactures of iron, and of iron and steel, amounted to nearly one hundred thousand dollars; and hence it may be seen how materially this branch of domestic industry depends on the admission of foreign iron at a low rate.

While our domestic exports to Great Britain and her dominions exceeded sixty-four millions, our imports fell short of forty millions. The domestic exports to the rest of the world amounted to less than fifty millions, and our imports to sixty-eight millions;

and of the amount imported, six millions were exported to the British dominions. Our exports and imports, of course, vary from year to year, but the statement now given will show, that our trade with England is of the utmost importance to the whole union, and especially to the agricultural states. It will show too, that we give encouragement to foreign industry, by purchasing British manufactures. Great Britain gives encouragement to that immense amount of American industry, which is employed in the production and transportation of the cotton, tobacco, flour, grain, and other articles which she receives in return.

It may be supposed that Great Britain will receive an equal amount of American produce, whether we increase the duties on her manufactures, or leave them at the present rate. To accomplish the purposes of the American system, it will be necessary to regulate the tariff in such a manner as to exclude, or materially diminish the importation of foreign manufactures, and give our own the benefit of the home market. Great Britain would then perceive that her export trade to this country was of very little value, and might be induced to give a preference to other nations, and exclude our broad-stuffs from her market.

She could not procure an immediate supply of tobacco from other countries; but, by means of discriminating duties, she might encourage the cultivation of it in every climate adapted to its growth. Admitting, however, that a protective tariff would not diminish our exports, or deprive us of our present markets, the question arises, whether it would not operate as a tax on the American industry, and as a discouragement to the various pursuits in which the nine-tenths of the people are now engaged, and which they think they have a right to follow without interruption from the government. It is impossible to state, in a message, all the objections that might be urged against a protective system; and my object is merely to point out some of its principal evils.

High duties protect only such articles as are not produced in sufficient abundance to supply the home demand, and which, of course, are not sent to foreign markets. Such articles, as not only supply the home market, but are also sent abroad for sale, can receive no protection from duties and restrictions. In England the landed interest is protected by this system, because the quantity of grain is not sufficient for the wants of the English people. The British manufacturers receive no encouragement from it, because they must supply the home market, and are exported to other countries in order to receive the price they can receive in from bounties, and from free admission of the foreign materials of which they are made.

But those who are engaged in manufactures, commerce and trade, and all who are consumers and not producers of broad-stuffs in that country, are subjected to a heavy expense and consequent diminution of their profits, for the purpose of protecting the landed interest; and they are compelled to pay an advanced price, not only on the grain produced in England, but on that which is received from other countries.

In this country, the amount of agricultural produce is much greater than will supply the home demand, and the surplus is sent abroad to contend for the markets of the world. The productions, whether of the land or sea, or of domestic manufactures, or mechanical labor, which are exported to foreign markets, require no protection, and can receive none, from a system of duties and restrictions. But all who are engaged in producing the various articles, which now supply the home market, are subjected to the loss of their profits by being compelled to pay higher prices for whatever they are obliged to use or consume; and their capital and industry would be taxed and discouraged for the purpose of ensuring greater profits to those who have thought proper to engage in other pursuits.

The protective policy diminishes the value of land in two ways, first by lessening the profits of agriculture, and secondly by diverting capital from agricultural investments.

It reduces the value of labor, by taxing the means of subsistence, and diminishing the amount of goods consumed, without lessening the amount of money paid for them by the consumers.

It encourages smuggling, increases the number of revenue officers, and multiplies crimes and punishments.

The protective policy in this country, operates unequally on different interests, and on different sections of the country; and falls more heavily on the business of the country than of the towns.

It shackles the commerce of the U. States, and operates as a bounty on the trade of the neighboring British provinces.

It induces a sudden extension of the manufacturing business beyond the existing capital of the country,

which cannot be immediately withdrawn from other pursuits; and fictitious capital must therefore be supplied by new banks created for that purpose. New companies, without skill or experience, and trading on borrowed capital, soon begin to be embarrassed; and then it is found that a new tariff is required to remedy the defects of the old. The tariff of 1824 was thus followed by the tariff of 1825; and the effect of these measures, upon various interests of the country, may be inferred from the encouragement they given to ship building; a branch of business which gives employment and support to a greater number of mechanics, tradesmen and laborers, than the building of companies of the United States. Previous to 1824, copper, iron, hemp, sail duck, and other materials for ship building, were charged with oppressive duties; which were raised by the tariff of that year to so enormous a rate, that it seemed to be the determination of the government to drive our ships from the ocean. According to the statement made by Mr. Webster in his speech on the tariff bill, the duties on the materials used in the construction and equipment of a ship of 359 tons, with copper fastening but not with a copper bottom, amounted to fourteen hundred dollars. This tax of nearly four dollars a ton did not afford sufficient encouragement to the building of American ships; and was raised to the proper scale of protection by the tariff of 1828.

It has been seriously contended, that the extensive cultivation of cotton in the southern states is the effect of the American system; though no explanation is given why it did not have the same effect in the demand for it. The sugar of Louisiana has certainly been protected by the tariff, because the quantity produced was not sufficient to supply the home demand. It is doubtful however, whether the sugar planters have gained as much by the enhanced value of their crops, as they have lost by the higher price of the materials of which their sugar is composed. It is hardly necessary to show that the duty on cotton is entirely inoperative; and that no article, which is cheaper at home than elsewhere, and is sent abroad to find better markets, can receive the least protection from duties, and restrictions. Cotton might be brought into the United States from Egypt, and sold at a lower price for the interests of the southern states; because it would only be making a circuitous voyage to France or England, instead of being exported directly to those countries from the place of its growth.

The main principle of the protective policy is, that every country ought to produce for itself, whatever is required for the use of its inhabitants, and to provide a home market for the produce of its own industry. If this principle were carried into practice, all commercial intercourse between nations would cease, the great cities of the world would be converted into ruins; ships would no longer be seen traversing the ocean, and commerce would be banished from the face of the globe. It may be supposed, however, that a policy, which would not admit of universal application, might be beneficial to the United States, or any other country, whose diversity of climate and resources enabled it, with proper encouragement, to furnish all the necessities and comforts of life. This is the policy which the friends of domestic industry so earnestly recommend. If it were adopted, and could possibly be carried into effect, our exports and imports would cease, our navy and shipping would be destroyed; the principal source of foreign revenue would be cut off; the canals and roads, and the manufacturing cities, would be rendered unprofitable and useless; agriculture, commerce, and manufactures would perish from want of support; the southern states would become a desert, and our eastern brethren might set out on a new pilgrimage, and retire into some wilderness where the littleness of man had not been striving against the power of God.

But we may say that the advocates of a home-market and domestic supplies, only wish to apply their doctrines to particular branches of our foreign trade; and do not intend to destroy it altogether. They consider it specially desirable to provide a home market for the immense amount of cotton which is exported to other countries; and to employ our own capital in manufacturing our own goods, and receiving in return for it. It would then be found, that in getting rid of one difficulty, we would encounter another, for instead of exporting the raw material, we should be obliged to depend on foreign markets for the sale of it in a new form; and whether our exports consisted of manufactures or agricultural produce, we should be compelled to receive the same foreign productions in return; and it might still be said, that we were encouraging the industry of other nations, and neglecting the interests of our own citizens.

The present state of our foreign relations points out the only object which ought to be kept in view

in laying duties and imposts; and that is, to provide a revenue for the defence of the country. The greatest amount of revenue is derived from moderate duties, which neither give encouragement to smuggling, nor materially diminish the consumption of the articles on which they are laid. The hope is still entertained of the question of duty between the United States and Great Britain may be amicably adjusted; and that there will be no serious interruption of the commercial intercourse and friendly relations which are of so much importance to both nations. But the grounds of controversy are becoming so complicated, that it is impossible to tell how soon a different state of things may arise; and it is therefore the wisest course to make preparations for defence, not with the view of bringing on hostilities with any power, but to meet aggression from whatever quarter it may come.

Hitherto, we have trusted too much to the justice and moderation of other governments; and even now, while dangers appear to be thickening around us, we are forming home leagues, not to repel foreign invasion, but to raise the price of domestic goods; and the congress of the United States, having already relinquished the proceeds of the public lands which were to be used for the purpose of raising a fleet, are debating whether a bill shall be brought in for increasing the revenue from imposts, to enable the proprietors of iron foundries, salt works, and manufacturing establishments to make a larger profit on their investments.

The security of defence against a naval power are perhaps of more importance to Maryland than to any other state in the union. A hostile fleet having possession of the Chesapeake bay, might cut off the whole of our trade, destroy our villages, and lay waste a large portion of the state. It would be impossible to guard every part of our shores, and while our forces were preparing to defend one point, the enemy might land in a different direction, plunder a whole neighborhood, and return in safety to their ships. The injury would not be confined to Maryland, or to the states bordering on the Chesapeake. The inland trade between the northern and southern states would be interrupted, the produce of a large portion of the country would be deprived of its most convenient outlet, the militia of the neighboring states would be continually called from their homes, and the enemy, after drawing the attention of the government from other points, might make an unexpected attack in some distant quarter of the union. This is the worst of the system, and it is possibly proper, but a description of what actually occurred during the last war.

These evils, and the disgrace attending them, may be avoided by having, in addition to our regular naval force, a sufficient number of steam frigates to guard the Chesapeake bay. In case of war, they might be stationed in Hampton Roads, where they could be ready for action, and could be called to assist in defending the fortifications at Old Point. They might follow a superior fleet, if their own force was greater than that of the steam vessels which accompanied it, prevent it from landing troops or ascending our rivers, and cut off its communication with the sea. But the probability is, that a large portion of our navy would be required to occupy a permanent position in our waters, while we had a strong disposable force to check its operations and take advantage of any accident or disaster that might befall it. In calling the attention of the legislature to this subject, I wish to be understood as only calling for the attention of the public to a subject, which is the duty of the general government to extend to every state in the union.

WM. GRASON.

LOUISIANA AND THE TARIFF.

BY A NATIVE OF LOUISIANA.

THE TARIFF.

This subject has ever been, and must continue to be, one of extreme difficulty. Through the duties on imports the national government has chiefly depended since its organization for the means to carry into effect its constitutional powers. The country now and itself unfortunately divided upon this mode of raising a revenue, considered, until lately, as almost inherent to our form of government. The question with our legislators should be—are the people of these United States ready for direct taxation, or not? If not, indirect taxes, or in other words, duties on foreign merchandise, must be continued to an amount adequate to the wants of the federal government. If so, where is the justice, in re-modelling the tariff, not to protect the labor of our own people against the labor of our foreign laborers. Here Mr. Benjamin Franklin said "that it was the duty of government to

encourage, and protect industry in all shapes, in all instances, and by all means, and to root out indolence, and sloth, and idleness, and to root out all that is am not mistaken, was a disciple of the free trade school—so was Adam Smith, if not its very father. Let us hear him, page 8.

"Whatever tends to lessen the number of artificers and manufacturers, tends to diminish the home market, the best of all markets for the rude product of the soil, and still further to discourage agriculture."

This is sound doctrine, and in effect, what would become of England, if now, that by the loss of ten days' food, perturbation is sent throughout her social order, she were by a free importation of grain, to be enabled to produce 20 per cent. more? Why, she would be transferring the power of feeding her own people to the Crimea, to the United States, or any other large grain country.

The freedom of a people depends upon the proportion of necessities of life they possess within themselves—the larger the proportion, the greater the freedom. Complete freedom is where a people can live without their neighbor, when that neighbor shows himself unfriendly. Our union is free because we possess within it every necessary of life, and that to preserve such necessities, we have only to guard them against foreign labor, by sustaining at the cost of production our agriculture and industry.

France is said to have twelve millions of operatives and laborers. Suppose that, allured by that popular word, "free trade," she were to debase her agriculture and manufactures so as to compel the masters to reduce the wages of their servants 500 cents; it would be a reduction of the capital stock of 600,000 francs per day, which multiplied by three hundred working days, would make for the year 180 millions of francs. Let any one acquainted with the condition of the working class of that country say how long such a state of things could last. The same rule applied to England would to every kingdom in Europe. Can we then expect from Europe free trade in exchange for our free trade?

Indeed, if France were placed in this condition, that she had to sacrifice all her Parisian bankers, or debase her manual labor 50 cents, I would say, without hesitation, sacrifice your bankers; because, without a working class, at work, no wealth, no wealth, whilst on the part of the operatives, it would be a loss of subsistence. Society can live without wealth, whilst it cannot sustain itself without food; the one is a matter of vanity, the other a matter of life.

If the United States were to be reduced to the same alternative towards England, and she had to part with her navy, or with her working power by 50 per cent. of debasement, a mode of destruction as rapid as any other, if not more so, I would say again, give up our navy, however proud we may be of it; because, without our working power, it would be a useless expense, beyond our means to bear, and because we would have nothing worth keeping, our liberty being gone; whilst, by retaining our working power, we would soon be able to build another navy.

The theory of free trade, by Adam Smith, is a complete refutation of his own doctrine before quoted. In penning the one, he was the economist of Great Britain; in penning the other, he was the economist of the world. Let us now hear England, through the mouth of McCulloch, page 119.

"Our establishments for spinning, weaving, printing, bleaching, &c. are infinitely more complete and perfect than any that exist elsewhere; the division of labor in them is carried to an incomparably greater extent; the workmen are trained from infancy to industrious habits, and have attained that peculiar degree of skill and great head in the performance of their several tasks, that can only be attained by long and unremitted application to the same employment. Why, then, having all these advantages on our side, should we not keep the start we have gained? On every other people that attempt to set up manufactures, we have the greatest superiority, and we are, as compared with us. Their establishments cannot, at first, be sufficiently large to enable the division of employments to be carried to any considerable extent; at the same time that expertness in manipulation, and in the details of the various processes, can only be attained by a long and unremitted application to the same task. Hence, we are enabled to conclude that such such beginners, having to withstand the competition of those who have already arrived at a very high degree of perfection in the art, must be immediately driven out of every market equally accessible to both parties; and that nothing but the aid derived from restrictive regulations, such as the tariff, can prevent the total destruction of their establishments." &c.

Thus it is self-evident that the free trade contemplated by England and her economists, was the mo-

nopoly for her own operatives of the working power for the clothing of the human family; a monopoly to the exclusion of all other nations, and a monopoly attempting competition. The plan was gigantic, and worthy of Great Britain.

Russia was the first to be seduced by the popular and misapplied word "commercial freedom," and she entered the arena full of hopes. Let her own minister of commerce explain the result, after a few years' experience. "It offers a continual encouragement to the manufactures of other countries, and its own manufactures perish in the struggle, which they are as yet unable to maintain. It is with the most lively feelings of regret, we acknowledge, it is our own poor experience which enables us to see the truth of this statement. The evils which it details, have been realized in Russia and Poland, since the conclusion of the act of the 7th and 19th December, 1818. Agriculture without a market, industry without protection, languish and decline. Spices are exported, and the most solid houses are shaken. The public prosperity would soon feel the wound inflicted on private fortunes, if new regulations did not promptly change the actual state of affairs. The emperor, however, would not yield to representations; he desired to try the new experiment during a longer period; but he was particularly and above all things desirous that the reproach of leaving his engagements unfulfilled, should not attach to him; moreover, he still flattered himself that less disastrous years might compensate for the losses our trade had experienced at the first moment of the crisis; and it is only after losses have reached their height, that events have proved that our agriculture and our commerce, as well as our manufacturing industry, are not only to be depressed, but brought to the brink of ruin, that his imperial majesty formed the resolution," &c. &c.

The remedy applied by the emperor of Russia was exactly that pointed out by McCulloch, to wit: *restrictive regulations and prohibitions*, with which the present Russian tariff abounds. And indeed that is the true meaning of free trade. *Home trade, judiciously guarded against the debasement by foreign competition, whereby the labor of the operative is protected, his wages depending upon the value of his labor.* And this is in strict accordance with Adam Smith's doctrine, for he says "that the home market is the most important of all markets; and that whatever tends to diminish the number of artificers and manufacturers, tends to diminish the home market."

McCulloch, (page 413,) estimates the quantity of cotton consumed in G. Britain, at 240,000,000 lbs. which, when manufactured, he values at £31,000,000 sterling.

This amount he distributes as follows:

Spinning material, 240,000,000	47,000,000
Wages of 700,000 weavers, spinners, bleachers, &c.	18,000,000
Wages of 100,000 engineers, machine makers, saw mills, joiners, &c.	3,000,000
Profits of the manufacturers, wages of superintendence, sums to purchase coals, &c.	6,000,000
	£74,000,000

From which it is seen that of the above 314,000,000 pounds sterling of manufactured cottons, the producers of that commodity receive

The operatives thereupon, 21.34
Whilst the masters for the interest on their capital, the expenses of superintendence, of coals, &c. only receive, 6.54

The same proportions are applicable to the United States. The whole of this working power, for all other manufacturers. Is it not self-evident, that by far the largest interest involved in the tariff question, is that of our laborers and operatives, who, for political or other purposes, are used by the designing to throw odium upon the masters, the ruin of whom would immediately carry ruin to these very laborers.

The protection of home labor by a judicious tariff, does not produce high prices, but the very reverse, as is fully evidenced by our commercial history.

A few examples become here necessary, but first of all it is well that the modes operandi of the British manufacturers should be well understood. Home trade is the best, so says Adam Smith, and so is the truth, equally applicable to the American and British manufacturers. To the home market, therefore, the manufacturer looks for his profits, and to foreign markets for his surplus production. This surplus, he the loss which it may, must be forced into consumption. The accumulation is death to production—so force consumption at home is to debase production in its best market—to debase production is to debase the labor of the operatives; labor being an essen-

component of production, invariably moving with it in adverse or favorable circumstances, and sharing all its fluctuations as an indivisible whole. Thus it is that the British government, as the natural guardian of the people:

1. Protect the wages of their operatives and laborers against debasement from foreign labor, by all means in their power. Hence the origin of their corn laws, which may serve as their definition of the free trade doctrine of the operatives. And so it is.

2. Use every exertion to open new markets by inculcating throughout the world their principles of free trade, as applied to foreign countries, that their operatives by debasement of foreign labor, may monopolize such labor, in order to secure their surplus production against losses which would otherwise render such surplus a delusion. And so it is. That Great Britain not being able to compete with foreign agriculture for corn, prohibits foreign corn, that the products of her agriculture may be free from debasement by foreign labor; and that as nothing but the aid derived from restrictive regulations and prohibitions, (see McCulloch,) will be efficient "to prevent the destruction of foreign manufactures by British operatives in all markets equally accessible to both parties." The free trade contemplated by her, as before said, is the free introduction in all markets of her manufactures, whereby her operatives, by their superiority in the art, will be able to effect the total destruction of all competition.

The British manufacturer, feeling safe at home against debasement by foreign labor, protects himself against over production and its sequence, debasement; by resorting to foreign markets for the disposal of his surplus, which surplus is there sold without any restriction, and at the price of production, as evidenced by the New York venue sale throughout every year.

The operation of this surplus is the same as that of gold used by the besieger to debase the besieged into a surrender, not otherwise obtainable; let the surrender take place, and then the gold is made to be returned with compound interest. Our manufacturers have not to be content with producing their manufactures at cost of production, but with the surplus of those manufactures at debased prices. The free trade advocated by Great Britain, is the gold of the besiegers.

And now for the proposition that high prices are not a forced consequence of a tariff which judiciously laid, but the reverse.

* Niles' Register, vol. 44, U. S.
1793—Iron, duty or protection to home operatives, \$15 00 per ton.
1816—Do. do. reduced to 9 00 "
1824—Do. do. increased to 18 00 "
1832—Do. do. do. to 22 40 "
1793—Current value per ton in the home market, \$50 a 95 per ton.
1816—Do. do. " " 120 "
1824—Do. do. do. 90 "
1832—Do. do. do. 80 "

From which it is seen, that as home operatives have been protected against the debasement of their labor, home prices have ruled low; that as that protection has been decreased, home prices have ruled high. And the reason of this is obvious.

Our great competitor is England. She enters foreign markets with her surplus production or labor, whilst at home we have to meet her with our full labor. She fights for conquest, we fight for freedom; if she fail, she only suffers in her surplus, her home labor remains at the same value. On the other hand, if she succeed, our home labor is prostrated or destroyed, and her operatives take the place of our operatives. Then she dictates her terms, and then the consumers are made to pay the expenses of the war with a vengeance, and their folly for swallowing the bait presented by the magic word "free trade." The whole of this working power is simply suppose the cost of production of iron to be, both in England and the United States, \$75 per ton, and the quantity required annually, for our home consumption, 150,000 tons, all supplied by our own mines and workshops; suppose, also, the duty to be taken off or reduced to 10 per cent. of the value of the iron, on the most, could debase prices \$25, which would carry ruin to our workshops, and turn adrift our own operatives, whilst opening a large field for her own.

What is true regarding iron is equally true when applied to any other manufactured article in the U. S. Supply and demand may never be the governing rule in the matter, but it will diminish the supply one per cent. and prices may fall or advance 50 per cent. below or above the cost of production; which, the moment the equilibrium is deranged, ceases to influence prices, which are then ruled by speculation.

* Niles' Register, page 7, vol. 42.
1818—Flax cottons, made of yarn No. 14, weighing 1 lb. per 3 yards, 28 cts. per yard; 1841—do. do. do. 10 1/2 cts. do.

For the last ten years, our southern planters have not been paying, for the very same goods, which form the great bulk of cotton manufactures, required by the people, more than 10¢ a lb cents; and they cannot produce the same quality of better quality in England, for they can hardly compete with us in Mexico and South America, whose markets we enter upon a footing of equality.

So it is with all kinds of iron works. Our engines and locomotives not only take the lead in the West Indies, but also find favorable markets in Russia, for which we now load large orders. Let the engine be applied to any other article of American manufacture or produce, and the same result will be arrived at. Mr. McDuffie, of South Carolina, in a speech to congress, in 1830, has maintained "that a tax on imports eventually falls on the producer of the exports, and is consequently equivalent to a tax on these exports."

This proposition has been adopted by a large portion of the south as an incontrovertible truth—hence the war which has ever since been waged against the tariff, to which it has become so popular to attribute all distress of the south. In Russia, the tariff is substituted as our government is, a little reflection would have shown how much akin it is that war to that so beautifully told of the "blinds against the stomach," and unfortunately for us, we have arrived at that period of our democracy, when we may deduce from our own history, that the moral lesson contained in that allegory. Tacitus has said:

"Pacis prudentia honesta ab deterioribus, nulla ab nexis discernunt."

How applicable these words of the great Latin historian to our present would be statesmen! The doctrine of Mr. McDuffie to be true would have required a correlative, to wit: That the producers of cotton, tobacco, &c. should have been the only consumers of the manufactures of cotton, tobacco, &c. Is it so? Yet said the Southern Review for November, 1831, speaking of the position assumed by Mr. McDuffie: "We have never seen even a plausible attempt to answer it." Why Mr. Reviewer! Because it required no answer—the proposition is false; it cannot stand with its own demonstration. It is hardly necessary to say that the cotton planter is selling \$30,000 of cotton and consuming only \$3,000 of foreign commodities, and this is a very large allowance, pays only duties on \$3,000, whilst the other consumers of the union pay upon \$27,000. This is, however, assuming that high prices are a forced consequence of the tariff, which is the cotton planter's charge.

Let us now enquire how far duties on foreign imports influence prices at home. This is the text of most of the violent appeals to the passions of the people, by our stump orators, and by many and many of our great politicians in congress—indeed we have come to that, that may be said to be the time of Aristophanes, "do not touch that stump, an orator will jump out of it." The people are appealed to, to put down the infamous duties upon those commodities emphatically called "necessaries of life"—those taxes upon the labor of the poor—and the feelings of the ignorant are worked upon, in exactly the same manner as those of the famished populace of old Europe, by designing politicians. Have we a populace? Is there not food here in abundance for every man that will work for it? Are we not a people possessing equal rights—equal privileges? Is there one profession—one public office closed against the son of the humblest citizen? Are we not now in the land that the good people of these United States suffer themselves to be lowered down and assimilated to the starving populace of Europe, by their stump demagogues and congress speech spinners?

Unfortunately, when party feelings predominate in a country, principles are soon made to make room for men—real patriots are discarded, and the ignorant becomes the tool of the designing—action, through rules deduced from experience, is replaced by agitation and idle theories—the most palpable truths are denied, and honesty, talent and patriotism are driven out of every public office by calumny and detraction. The demoralization in the government carries demoralization among the people, until the whole becomes a mass of corruption.

But to return to the tariff and its influence upon prices in our home market—it has already been shown that the very same cotton goods for which our cotton currency had to be paid in 1816, have been at the current these last ten years at and under 11 cents. Coarse woollens have been declining in the same proportion. Had it not been for the fostering action of the tariff, our cotton planters would have had to pay for the engines they use for ginning their cotton 50 per cent. more than they now pay for the very same article to our own manufacturers. It must be yet to the recollection of our sugar planters, that the first engines and mills used by them were imported from England, and that their cost was 9 to \$10,000—

whilst for machinery equally good, and equally powerful, they have now only to pay from four to four thousand five hundred dollars—and all this has been brought about by that so much abused and so little understood tariff. Let any honest cotton planter, with Mr. McDuffie's doctrine before him, take a full account of foreign manufactures used by him for his negroes and plantation utensils, and my word for it he will find the amount under \$1,000 even with the charge of 100 hands—and supposing the value of these foreign goods to be enhanced 30 per cent. by the tariff, he will see that his contribution towards the expenses of the federal government is a mere trifle—and it is for this that the country must be agitated—that the harmony of our union must be jeopardized—that that our union itself is threatened to perish!

Let us now see the operations of the tariff upon necessary life, or rather articles agreed to be so considered by habit; for I contend that, thanks to that monster, the very naming of which drives certain demagogues into hysterics, we could now live within ourselves, in the middle of abundance, if it became necessary so to do; and that is the only rational meaning of "freedom."

Niles' Register, vols. 1, 5 and 44.

1811—Coffee—duties &c.	Cur.	Pres.	U. S.
1813—	"	"	"
1814—	"	"	"
1815—	"	"	"
1816—	"	"	"
1817—	"	"	"
1818—	"	"	"
1819—	"	"	"
1820—	"	"	"
1821—	"	"	"
1822—	"	"	"
1823—	"	"	"
1824—	"	"	"
1825—	"	"	"
1826—	"	"	"
1827—	"	"	"
1828—	"	"	"
1829—	"	"	"
1830—	"	"	"
1831—	"	"	"
1832—	"	"	"
1833—	"	"	"
1834—	"	"	"
1835—	"	"	"
1836—	"	"	"
1837—	"	"	"
1838—	"	"	"
1839—	"	"	"
1840—	"	"	"
1841—	"	"	"
1842—	"	"	"

These are not theories but facts! You anti-tariffers of all parties, answer this plain question. Did the free admission of coffee in the United States enhance its price in Cuba, or diminish the cost of it to that good people to whom you devote all the power of your lungs? Had you given less freedom to your tongues and more time to your hands, you would have discovered that the low prices of coffee, compared to the current value of sugars in 1811, had induced the planters of Cuba to give the preference to the latter over the former; and that the natural consequence was a decrease of production and increase of price, which gradually attained the enormous rate of 27 cents. per pound. In the meantime, however, coffee having become the golden article, planters returned to it, and its cultivation was increased to such an extent, that prices, unduly raised by the tariff, were shown, and have not since recovered, notwithstanding its admission, duty free, in the United States—and as to our would be populace, they are paying as much for it as in 1830, when the government was collecting five cents. per pound.

The excess of production of any commodity whatever over the wants of consumption, carries with it a depreciation far beyond that excess. Prices must ever be ruled by supply and demand, as exchanges by gold and silver, and whenever otherwise, take care of the squall, it may soon become a tornado.

Despair is blind—South Carolina in its agricultural distress assailed its best friend, "the tariff"—that dependence—its real enemies were the hands of Alabama, of Mississippi and Louisiana. This is the proper place for a brief account of the workings of cotton:

Niles' Register, vol. 44, Holt's Liverpool Prices

Current of 1st January, 1842.

Crops of the United States.

Value of Upland in the Liverpool market.

1814 17,816,497 lbs. 23 637d.

1815 8,298,747 23 637d.

1816 12,747,165 23 637d.

1817 8,649,283 20 202d.

1818 9,471,178 19 1922d.

1819 7,597,045 12 1219d.

1820 12,930,000 forced out abt 319,655 bla. 11 115d.

1821 124,593,405 10 1011d.

1822 144,673,025 5 518s.

1823 173,723,270 6 618s.

1824 147,747,165 7 718s.

1825 175,419,917 6 618s.

1826 204,535,535 6 618s.

1827 234,210,116 6 618s.

1828 234,210,116 6 618s.

1829 264,327,185 6 618s.

1830 298,459,162 6 618s.

1831 298,459,162 6 618s.

1832 298,459,162 6 618s.

1833 298,459,162 6 618s.

1834 298,459,162 6 618s.

1835 298,459,162 6 618s.

1836 298,459,162 6 618s.

Crops of the Mississippi Valley and Alabama.

New Orleans, Circular, 1st Oct.

1840—New Orleans, 962,438 bales.

Alabama, 446,807 bales.

1,409,245 bales!!!

1840—Total crop of the U. S. 1,171,293 bales!!!

Imports of Great Britain—Holt's Circular, 1st January, 1841.

1830— 458,736 bales.

1831— 709,135 bales.

1832— 1,415,341 bales!!!

1840— 1,415,341 bales!!!

A few plain questions here again naturally present themselves for the anti-tariff gentry. Was there no tariff when cotton in 1817, two years after the peace, was selling in Liverpool at 23d for uplands? Had there been any material change to that tariff, when cotton, in 1822, declined to 5s 8 3/4? And when in 1824, it advanced to 9 s 10, and 1825, to 16 s 10 1/2? And when, in 1826, it receded to 6 s 8 1/2, and in 1827 it fell to 4 s 7 1/2? What have you gained by the compromise bill—a bill, the very name of which ought to put the nation to the blush—a bill which is a flagrant violation of the constitution, for it cannot be put into operation without destroying the uniformity of duties? In 1832, cottons were selling in Liverpool at 5 s 8, and 6 s 2 1/2; and in 1840, at 4 s 8, and 6 s 10 1/2.

South Carolina did not study her interest, whilst she was preparing to resist the federal government, she ought to have suddenly turned her forces against the great fields of Alabama, Louisiana and Mississippi, and destroyed some 5 or 600,000 bales of cotton, and then Uplands would have immediately advanced in Liverpool to 23d, and even more! But to the point: the above tables show:

That the extraordinary increase in 1826 of our cotton crops, depressed prices for the 5 years ending in 1830 to an average of 6 1/2.

That the crops from 1831 to 1836 having presented no extraordinary variation, average prices advanced to 9d.

That the large crops of 1837 and 1838 again reduced prices, the average prices for these two years having only been 7 1/2.

That the crop of 1839 having been a comparatively small one, prices advanced to an average of 8 1/2, notwithstanding the perturbation caused in England by a short crop of grain.

That with the large crop of 1840, again came depreciation, average prices having receded to 7d.

And all this is easily accounted for without touching the unfortunate tariff of 1816.

Golden days of the cotton planter and manufacturer, both using their utmost exertions to work their mines, until at length debasement, inherent to over supply, began to show itself. To meet this great destroyer of industry, the manufacturer applied himself most diligently and industriously to improve his machinery, and to increase his works, and to obtain compensation by lowering prices, quantities making up for the difference of profits. In this his success was wonderful.

On the other hand, the planter, to meet the depreciation in the value of his cotton, applied himself to increase his crops, that quantity might make up for the difference in price—exhausted lands were abandoned for more fertile soil, and Georgia, Carolina, Virginia and Maryland soon saw their working power gradually removing to the virgin forests and rich alluvial soil of Mississippi and Alabama, where it was soon ascertained that one hand could produce per annum 6 and in some places on 10 bales of cotton, whilst 2, and at most 3, could have been obtained in the best fields on the Atlantic shore. This really produced a revolution in the culture of cotton.

The whole crop of cotton in the United States, as above shown, amounted in 1830 to 319,655 bales. During the 10 years ending in 1830,

746,147 " " "

And during the 10 years ending in 1840,

1,171,293 " " "

1840, it gradually reached 2,171,293 " "

The valley of the Mississippi alone, during the last year, producing upwards of 216,000 bales more than the whole crop of the United States in 1830, and the Mississippi and Alabama together producing 1,409,345 bales, or 1,089,990 bales more than the total crop of the United States in 1830, and 663,098 bales more than the total crop of the United States in 1830!!!

Unfortunately for both manufacturer and planter, consumption could not keep pace with such gigantic strides, and both had gradually to submit to the inflexible rule of supply and demand, and to all the vicissitudes and inequalities to which the balance of power is so liable to a case so plain, so deranged equilibrium, has escaped sagacious Carolina.

Whatever may have been the iniquities of the tariff, the depreciation in the value of cotton cannot be

placed at its door—that depreciation has been the natural consequence of excessive production—the same cause would have produced exactly the same effect in any other exchangeable commodity, in gold itself; as before said, whilst 1 per cent. less than the quantity of commodities required for the consumption of the world, may produce an advance of 20, 30, and even 50 per cent. on the cost of production; 1 per cent. more may produce a debasement in exactly the same ratio. On the stability of the value of labor, depends the stability and well-being of a people. There can be no stability of the value of labor, without stability in the value of production, of which labor is a vital component. It is, therefore, an imperative duty with government to protect labor and production against all excess that may produce debasement.

Were British manufactures, freed from effective taxation, to be poured into our markets, as to bring our own manufacturers to throw their hands upon agriculture, which in its turn, would feed the morbid indolence of debasement, the only effect would be to transfer the clothing power from our workshops to those of Europe, in lieu of the increased consumption, whereby the Carolina market expected an advance in its cotton of 50a100 per cent. The value of production can only advance in the ratio of consumption, and surely the placing in the hands of England of the working power of America, would not have added a single consumer to the general consumption, but it would have produced this effect: that we should have acquired a monopoly, and we would have continued to be debased or to advance in the ratio of excess or short production, compared to consumption, and the great monopolist would have made us pay for the \$50,000,000 of cotton manufactures we now produce for our annual consumption, 20, 30, and even 50 per cent. more than we now pay for our own people. And, suppose, for argument sake, that Carolina could be benefited \$1,000,000 by this transfer of power; well, England might pay her such a bonus, whilst she would be, thereby, securing to herself an annual profit, which, at pleasure, she might increase to 10, 15, and even \$25,000,000. But what would the Carolina planter, who would be equally so towards every other cultivator, and thus gradually the debasement in our manufactures of all sorts would throw us at the mercy of Europe for the \$350,000,000 of merchandise we now manufacture for our own annual consumption. And to pay for this enormous sum, what would we have to do? We should have to pay more, and Europe can no more do without it than without the coals of its mines. Tobacco? We are almost the exclusive suppliers of that article. Flour! England will not receive it, notwithstanding her free trade doctrines, and for a very good reason: it would debase her agriculture, and make her dependent on others for food; which is slavery in its worst condition.

Sugar. This article furnishes another striking proof of the effects of supply and demand; and to it the attention of our representatives in congress should be specially called.

"Report to the house of commons, 5th May, 1841. Imports for home consumption.

West India.	Mauritius.	Bengal.	Total.
cwt.	cwt.	cwt.	cwt.
1833—3,655,612	529,352		4,184,974
1834—3,414,244	555,860		4,000,104
1835—3,339,498	558,327		4,084,185
1836—3,395,517	497,361	155,229	4,048,107
1837—3,309,528	533,361	299,629	4,139,518
1838—3,321,434	604,671	428,584	4,354,599
1839—3,223,931	612,561	518,925	3,955,442
1840—2,202,833	545,009	482,336	3,230,178

Increase.	Decrease.
cwt.	cwt.
1833	
1834	215,140
1835	
1836	167,864
1837	
1838	415,081
1839	
1840	

Which shows an over supply in 1834, compared to 1833, of 215,140 cwt.

Produced a decline of That a short supply in 1835, compared to 1834, of 317,510

Produced an advance of That an over supply in 1836, compared to 1835, of 167,864

Produced a decline of That a short supply in 1837, compared to 1836, of 100,171

Produced an advance of That an over supply in 1838, compared to 1837, of 100,171

Produced a decline of That a short supply in 1839, compared to 1838, of 100,171

Produced an advance of That an over supply in 1840, compared to 1839, of 100,171

That an over supply in 1835, compared to 1837, of 415,081
Produced a decline of 12 2½
That a short supply in 1839, compared to 1835, of 599,517
Produced a decline of 11 1
That a short supply in 1840, compared to 1839, of 734,764
Produced an advance of 18½
Or 100 per cent. on the average prices of 1838½

And during the whole of the above period, the British tariff remained closed for sugars, and the admission of 1836, of Bengals for home consumption. What have you to say to this, anti-tariff advocates?

In 1833 the people of England received for their own consumption, from their own possessions, 4,184,964 cwt. of sugars, for which they paid 46.80c. 50c.

In 1840, the emancipation of the West Indies reduced the annual supply of Great Britain 954,286 cwt. and the people had to pay for 3,210,678 cwt. about 49.35c. 11½ cts.

What is the effect of the tariff, or of supplies and demand? But we say the advocates of free trade to England admit foreign sugars, and that commodity will be as cheap as ever. But she will do no such thing, because—

1. She would thereby complete the ruin of her West India proprietors.

2. She would be thwarting her own prospects in the East.

And even if she were to admit foreign sugars for home consumption, it would be under a heavier tariff than ever adopted in the United States and the effect of such a measure would be to advance the price of sugars by their being made scarcer in other parts. The trade advocated by her, she has always taken and will ever take very good care not to put in practice. She is too patriotic to act otherwise. This doctrine she has lamely forth to the world, that she might, by debasement of foreign labor obtain the monopoly of the manufacturing power, (see McCulloch, page 419) and her emancipation of the West Indies has had no other object than the destruction of the cotton power of the United States, that through her East India possessions she may obtain the monopoly of that important commodity. "Do you doubt this? Read sir Robert Peel's speech at Tamworth: "Our possessions," (says the baronet), "in the East Indies, offer the means of acquiring a supply of sugar to us almost indefinitely, and in the case we need not run the risk of forfeiting the character we have already acquired at such an immense sacrifice, by the abolition of slavery and the slave trade, for we have a prospect of an increased supply of sugar from the West Indies, [doubtful] and a new supply from the East Indies, produced by free trade. These considerations lead me to the conclusion that it is not necessary to open the markets of England to sugar, the produce of slave labor."

What will be the action of the British government the moment they can obtain even a reasonable supply of cotton from their East India free-trade? Why the British markets will be as effectually closed against American cottons, the produce of slave labor, as they are at present against foreign sugars, the produce of slave labor!

And you, abolitionists, do you wish to know who are those freemen of the east? Open McCulloch's Dictionary, which in the imperial house of commons, is considered as high authority, and there you will find the following lines under the head of "East India company."

The claims of the company are founded on monopoly of trade; it being necessary to maintain forts, factories, &c., under the Mahomedan government, the great produce of the soil was divided into equal shares between the ryots or cultivators, and the government. We regret that we are not able to say that the British government has made any material deductions from this enormous assessment. The cultivators throughout Hindostan are wretched—their only object is subsistence—if they succeed in this they are satisfied. Indeed, Mr. Colebrooke tells us that the condition of the ryots is almost intolerable, and that they derive the miserable pittance of 2 annas, or about 3 pence a day, wages. The company carries a sword in one hand and a ledger in the other. In India, a commercial resident, with a large establishment of servants under him, some of them intended for coercive purposes, is stationed in all considerable towns, and is in a manner invested, and by no less authority than the marquis of Wellesley, that the intimation of a wish from the company's resident, is always received as a command by the native producers and manufacturers."

Now turn over to Mr. O'Connell's speech in the house of commons of the 13th February last, and you will see "that famine desolated India in the years

1766, 1777, 1780, 1782, 1792, 1803, 1804, 1819, 1824, 1829, 1832, 1833, 1836, 1837, 1838, 1839; and that during 1837 and 1838, it was necessary to employ men to shovle the dead bodies into the rapid part of the Ganges; the polluted load was covered with earthenware, the average destruction was 10,000 per month, it is doubtful if terminated at the present moment." Thus it is evident that the trade in India is a monopoly—that its free cultivators have to give one-half of their yearly income to the government, to build forts to keep them in awe; and that the other half remains at the mercy of the holders of the land, who, whereby the income of the poor cultivator is reduced to hardly 3 pence per day, about 6 cents, and famine is almost his constant visitor.

And it was to carry out these truly philanthropic views of Great Britain, that the would be philanthropists of the United States were appealed to, and that the doctrines of free trade and abolition were placed in their hands for circulation! That American citizens have been found to remove to the East Indies, in order to teach to the free operatives of that country the culture of cotton, and the art of separating the seed from the staple. What a strange association! But we say the advocates of the American Union to destroy the American manufactures; and to employ the American abolitionists to destroy American cotton, and the whole of the diabolical plan to be in successful operation! What has become of the American feeling which in former days carried the American farmer to the heights of Banker Hall? Are we already arrived at the close of that glorious beginning?

Another example, and one of great interest to Louisiana, to prove that supply and demand rule prices, and I have done.

Average prices of Cuba Muscovado sugars during a period of 10 years.—(Havana Prices Current).

1830—	6 s 8 reals per arroba—2 of cents per lb.
1831—	6 s 6 " " 2 43 "
1832—	6 s 7 " " 2 43 "
1833—	6 s 7 " " 2 43 "
1834—	5 s 6 " " 2 43 "
1835—	8 s 9 " " 4 44 "
1836—	12 s 14 " " 6 71 "
1837—	5 s 8 " " 2 43 "
1838—	6 s 8 " " 2 43 "
1839—	6 s 8 " " 2 43 "

Imports of foreign sugars in the U. States during a period of 10 years.—(Official reports to congress).

1830	\$4,636,342
1831	4,910,877
1832	2,933,438
1833	4,755,586
1834	5,538,425
1835	6,806,625
1836	12,514,718½
1837	7,903,306
1838	7,586,825
1839	6,970,240

McCulloch estimates the total product of sugar annually to be 508,000 tons, say 1,143,000,000 lbs. The average product of Louisiana is about 70,000 lbs. or 70,000,000 lbs. or a fraction under 6 1-5th of the whole product. Yet trifling as this appears to be, an early writer at the close of 1835 having recorded a 6-ounce increase to 25,000 lbs. prices in 1836 immediately advanced from 5 to 6 cents, the usual price in New Orleans, to 11 cents, and in Cuba, where the crop had been a large one, from 4 and 4½ cents, to 6½ and 7 cents! and the importations of foreign sugars into the United States that year amounted to \$12,514,718½, say \$5,768,000 more than in 1835.

For which the people had to pay specie, for the extra importation from the West Indies could not have created there an extra demand for our provisions, and provisions are very nearly the only articles taken in exchange for the coffee and sugar we import. The season from 1836 to 1837 was favorable to Louisiana; an average crop was produced, and again prices receded to 6 cents in New Orleans, and in Cuba 3½ cents, and our imports from foreign countries fell short of the previous year \$5,311,512, the difference being supplied by our own labor.

Again, I repeat, what do you say to all this, anti-tariff advocates? It has been shown in a previous paper, that per statement in the house of commons, the short supply of 954,286 cwt. compared to the ordinary supply of 4,184,964 cwt. required for the consumption of Great Britain, advanced prices nearly 100 per cent. and it is now seen that a short supply of about 45,000 lbs. compared to the ordinary crops of Louisiana, advanced prices in Havana about 80 per cent. and in the United States for Louisiana sugars about 100 per cent. and that to supply this deficiency the people of the United States had to export \$5,311,512 of specie to pay for the sugars required.

These are not idle theories but facts for the meditation of legislators!

The planter of Louisiana under the faith of the protection granted to home labor in 1816, and rely-

would not be applicable. Might not the murder have been committed by others than slaves—and it was certainly most appropriate to the act.

Mr. Phelps said, if the yeas and nays had not been called, he should not have said a word. When the resolution was introduced he was prepared to vote for it, because it was merely a matter of inquiry. He would have done it also from courtesy to the senator who had introduced the resolution. He understood, in giving that vote, that he did not at all compromise himself as to the questions in controversy between this government and Great Britain. He did not regard it as an instance of compromise. The resolution was worded. The senator had a right to use the phraseology he pleased. It expressed a word recognised and understood in all places, and as known at the south, and well understood there and elsewhere. If he voted for the resolution, he did not consider he was exposing himself or committing himself to the subject.

Mr. Clay said that it was extremely desirable that, upon a subject like this, we should present an unbroken phalanx; that all party movements should be laid aside; and that we should be united in whatever was done. He rose simply to make a suggestion to his friends to see the most authentic account of this transaction of the Creole, and he had read the whole affair with the most thrilling interest. He would add, and it was very creditable to the relationship of servant and master, that but 19 of 135 slaves on board the Creole took part in the untidy. They had seen the most authentic account of the slaves who took part in this transaction. The issue, he had seen with the greatest regret, was what had been done by the British authorities on the coast. He hoped Great Britain would pause before giving her sanction to such enormities. In regard to the resolution, he did not think his was the best. It was premature. He had preferred that the executive had moved first; but, since the resolution was moved, he was prepared to vote for it. In regard to the term to which the senator from Michigan objected, it would be found that the term had been used, and the first article of the treaty of Ghent was to the effect that there was to be no slavery. This cautious language, and he hoped, by general consent, it would be withdrawn.

Mr. Porter said his motion had not been understood or appreciated. His only object was to give to the language of legislation the language of the constitution. He could be governed by no other motive.

Mr. Graham said that since the discussion had been going on he had looked to several laws passed by congress, and found the term "slaves" used. It had been used in almost all the laws relating to slaves or slavery in any form. Several laws were cited.

Mr. Hendricks added his own request to the favor of the senator from Kentucky, (Mr. Clay,) that his colleague would withdraw the motion to amend the resolution, particularly as the amendment did not change the principle.

Mr. Porter said that, as well to gratify his colleague as other friends who had made the request, he would do so; and by general consent (the yeas and nays having been demanded) the motion was withdrawn.

And the resolution was unanimously adopted.

The senate then resumed the consideration of the exchequer bill, and Mr. Walker arose and said that he had no objection to the report, and that the subject referred to nor. The report which was before the senate, he would take occasion to say, was the work of a master mind, equal to any report which had ever emanated from any secretary of the treasury; and this was no slight compliment when so many distinguished gentlemen, excepting the one before the senate, had been at the head of the department. He believed the report was the report of the secretary of the treasury, and his alone, and that he would have scorned to put his name to any document of which he was not the author. Suggestions he might have received from others, but from what he knew of them, that they were his, and his ability, he knew that the report was his own.

Mr. Walker said he did not agree with the gentleman who characterised the plan submitted as augmenting executive power beyond any plan which had before been submitted. It had great preferences over the bills of the extra session, and was much more limited in its power; and its preferences being to the favor of the general bills, and the proposed bill of exchequer were briefly pointed out by the senator. Gentlemen upon the other side had painted most graphically the effects of those bills and of executive power, but they had painted their pictures with anti-bank and democratic paint.

Mr. Walker said that the report relating to the safe-keeping of the public money) he was willing to vote for, though regarding it less economical and

giving more power to the executive than the sub-treasury plan. He would vote, by way of compromise, also, for another part of the bill, if it was modified to meet his views. He would vote for an exchange currency, if the certificates of deposit were issued dollar for dollar for specie deposited in the bank. He would vote for any other issues, and he agreed with what had been said by the senator from South Carolina, (Mr. Calhoun), and the senator from Missouri, (Mr. Benton), approving of the Bank of Hamburg. As was well said, that bank had been made the specie-granary of the world. He had at the extra session of congress thrown out his views in regard to a deposit bank, and those views were read to the senate. With some improvements, he would be in favor of that system. In connexion with the sub-treasury, some plan might be devised, so that any creditor of the government could receive gold and silver, and pay it when due for public debt, or certificates of deposit, instead of specie, where the depositor preferred to receive this to specie. He would have these certificates of a denomination as low as fifty dollars. These would become bills of exchange, would be issued dollar for dollar, and would be made payable to order, and would be some small plan in connexion with the sub-treasury act. He would not vote for it alone and he threw out his views very briefly for the consideration of the proposed special committee. A currency of 20 or 30,000,000 of this kind would do more good and have a better effect than \$100,000,000 of paper money. It would facilitate the exchanges, cheapen them, and be convenient in the transmission of public dues. But, in connexion with this, it would be absolutely necessary to have a bankrupt law for banks. This alone would prevent the accumulation of depreciated bank paper, improve the exchanges, and do great good. It would be necessary to have a law to impose a tax upon the paper issued by the state banks. This would control these issues to a great extent. To impose such a tax, power was given in the constitution, as there was power there also to pass a general bankrupt law.

Any plan which proposed an issue of paper money upon an artificial basis (Mr. W. said) could never be supported. He had no support. The country held the same views; so did Albert Gallatin, whose views were, that the only benefit derived from a bank of circulation was to put paper money aloft instead of specie. The gold, without a bank, would be in circulation instead of the paper money. Instead of producing any benefit to the country, it would produce a great evil.

It drove out specie from the country for the purchase of foreign luxuries. Sixty millions of specie were sent out of the country, and six millions in foreign goods were brought in. A delusive credit was supplied. It was the most direct assault upon the manufacturers of the country. It brought the country in debt also to the amount of fifty millions of dollars, and this, in the end, was a debt to those identical banks. It produced a debt by the banks to the holders of their paper and individuals. It made the country \$60,000,000 less wealthy than it otherwise would be, and the \$60,000,000 in circulation was for \$60,000,000 of floating debt, because paper money was not money. The banks, of course, had produced the convulsions which had fallen upon the country. There were, Mr. W. said, invested in bank buildings alone in the United States thirty millions of capital—this in the \$50 banks—and all this was withdrawn from agriculture and other useful purposes, and the banks and country held the same views; so did Albert Gallatin, whose views were, that the only benefit derived from a bank of circulation was to put paper money aloft instead of specie. The gold, without a bank, would be in circulation instead of the paper money. Instead of producing any benefit to the country, it would produce a great evil.

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This was because Cuba was not fettered with bank paper. He had recently made a visit to Cuba, and spoke with some knowledge. There wages of labor were higher than in any state of the union. One dollar and a half were paid to a common day-laborer, and not in depreciated bank paper, but in gold and silver. Bank deposits had never stood at the door of Matanzas and Havana and established their bank no-chices. Lands were higher, as well as wages. Good farming lands brought one hundred dollars an acre, and uncultivated government lands brought thirteen dollars an acre. Look also at their commerce. We were told that the commerce of Cuba could not be conducted without bank paper, and yet Havana had more commerce than any state of this union, except N. York.

By way of compromise, and in regard to exchanges, if gentlemen would take the sub-treasury system, he would consent to take these certificates of deposit, when issued the dollar for dollar. But without this, in a few years exchange would not be more than one-half of one per cent, so many more would be the conveniences for transporting gold and silver from one point to another. The only expense would be the expenses of transporting specie. Exchanges between Havana and New York, and Jago de Cuba, a journey of twelve days around Cape Antonio, were but one-half of one per cent.

Mr. W. in conclusion, said he had thought it his duty to present these views in advance of the question of reference, and having done so he would close.

Upon the motion of Mr. Merrick, the senate went into executive session after which

The senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, JAN. 6. Mr. Taubman, of New York, asked to be excused from further serving on the committee on expenditures in the war department, alleging as a reason the arduousness of his labors on the committee of claims. The request was granted by the house.

Mr. Flannery, from the committee of ways and means presented the following resolution:

Resolved, That the committee of ways and means be authorized to inquire into the expediency of repairing all anti-slavery appropriations for such necessary objects as have been heretofore included in the appropriation, and which are without authority of law.

And it was adopted without division.

Mr. Moore, reported the following resolution which was referred to the committee on the post office and post roads.

Resolved, That the committee on the post office and post roads be instructed to inquire into the expediency of altering the rates of postage charged on steamboat passengers.

Mr. Sallstall, from the committee on manufactures, reported the following resolution:

Resolved, That the committee on manufactures be authorized to send by witnesses and take testimony on the subject of the tariff, and to report thereon to the committee, and the interests of the country, and the testimony which those interests may require.

The resolution having been read by the clerk, Mr. J. C. Johnson said if the gentleman would so modify it as to provide for the appointment of a select committee, he would vote for it.

Mr. Sallstall presumed that the committee on manufactures could as well attend to this subject, as they had to act on it, as any select committee. The most satisfactory mode of obtaining evidence of the highest nature was always by the examination of witnesses. The only objection to this mode was the expense. It could not lead to the examination of witnesses. There was no necessity for the examination of a great many witnesses; but one or two, in all probability, would be necessary. If the committee found it necessary to examine twelve, fifteen or twenty witnesses, the expense would be trifling—trifling, indeed, compared with the importance of the subject to which it related. One month of the session had already gone by, and this bill ought to be reported with all promptness; there ought to be no delay on the subject. The committee had no disposition to summon a regiment of witnesses. They wanted intelligent information to satisfy their own minds. There was no member on the committee who felt that he possessed sufficient information to go on and deal with this important subject. This course was not without precedent. In 1827 the committee on manufactures were authorized to send for opinion and papers. He would only add, that in the opinion of the committee, the expense was almost indispensable that the power sought by the resolution should be granted.

Mr. J. C. Johnson observed that what had now taken place was precisely that course of things which he had foreseen and predicted when the reference of this subject to the committee on manufactures was made; and he was almost indispensible that the power sought by the resolution should be granted.

But the honorable gentleman from Massachusetts, (Mr. Saltonstall), had urged the doctrine of precedent, and had reminded the house that the committee on manufactures had been empowered to make a similar inquiry in 1827. Yes, in 1827, and what was the result? The tariff bill of 1828, that "bill of abominations," which had been passed by a vote of 130 yeas throughout the country as brought it to the verge of a civil war; and then the party who had driven on the bill, and passed it at all hazards, were the first to abandon it; yes, they ran away from it at the first blast of the trumpet of South Carolina, and took shelter behind the compromise act. Mr. J. was not prepared to follow the precedent of 1827, and he was not prepared to allow the arrangement of the entire tariff of duties, to be paid by the whole country, in the hands of a committee representing only a single interest. No, let it go to an impartial committee—a committee, general and unbiased in its character, who should seek information alike from all quarters, and submit the whole to congress. He was not opposed to inquiry; far from it. On the contrary, he was earnestly in favor of it;

The gentleman from Massachusetts (Mr. *Saltonstall*) dug back to the precedents of 1827—ay, to the year 1827—the year next before the abomination of all abominations, the tariff bill of 1828. He had pointed to the footprints of the legislation of that day as precedents to be followed now! This, too, was just what Mr. W. had always said. He had always told the house that on this matter of a protective tariff they would be carried back to the example of 1828. He would follow no such precedent. He was utterly and irreconcilably opposed to a tariff for protection, and he would not take as his guide the prepara-

And here he might present his views on the general subject of the true tariff policy, but he did not consider this as the proper time to do so. He should

reserve himself until the house received from the committee a bill prepared with or without the light for which they now were applying. He was content, for the present, that the house and the country should know the policy of the design was to impose on the country a protective tariff on the precedents set in 1825.

Mr. Tillamoth, of R. I. said he was willing to have the general inquiry made by a select committee, but that would not be at all inconsistent with granting the power now asked by the committee of manufacturers. On the contrary, all the friends of protection had been desirous of such an investigation, and his friend from Massachusetts had introduced a resolution to that effect at the extra session, but it had been refused. He must consider it a great misfortune that that resolution did not carry; but the favorable result of the inquiry had gone by, and although a similar measure might now be adopted, he presumed that legislation on the subject of the tariff would not end with the present session of congress. The system would probably hereafter undergo revision; but was it not obviously important that the committee should be empowered to inquire into the expediency enabled to examine witnesses, each in his own trade or profession, or who resided in its neighborhood, and were thus acquainted with the facts of the case?

Here the morning hour having expired, Mr. T. suspended his remarks.

Mr. Filmore had before the house sundry communications from the postmaster general, sec. of state, of treasury &c.

Mr. Filmore inquired of the speaker if there was any other business before the house; and, being answered in the negative, on his motion, the house resolved itself into committee of the whole on the state of the union, (Mr. Bayard of Virginia in the chair), and proceeded to the consideration of the bill to authorize the issue of treasury notes; which was read by the clerk as follows:

A BILL to authorize an issue of treasury notes. *Be it enacted*, &c. That the president of the United States is hereby authorized to cause treasury notes, in lieu of those heretofore or hereafter redeemed, to be issued for such sum or sums as the exigencies of the government may require, but not exceeding the sum of five millions of dollars of this emission outstanding at any one time, and to be issued under the limitations of other provisions contained in the act entitled "to amend the issue of treasury notes," approved the twelfth of October, one thousand eight hundred and thirty-seven, and as modified by an act entitled "an act additional to the act on the subject of treasury notes," approved the thirty-first of March, one thousand eight hundred and forty, except that the authority hereby given to issue treasury notes shall expire at the end of one year from the passage of this act, if not sooner terminated under the proviso to this section: *provided*, that the authority hereby given to issue treasury notes shall cease and determine as soon as the loan authorized by the act of July twenty-first, one thousand eight hundred and forty, shall be authorized by any other act, shall be negotiated and rendered available.

Mr. Filmore then rose and observed that he had but few remarks to make explanatory of the grounds of the bill which had just been read. He would very briefly state the reasons which had induced the committee to propose the bill.

He then read from the report of the secretary of the treasury the statement of the deficiency for the present year, and expatiated upon the deficiency for the present quarter, and the deficiency now actually existing in that department.

For himself, Mr. F. said he had, from the commencement, been decidedly in favor of the issue of treasury notes, and he was with the greatest reluctance that he had brought himself to consent to the measure. He might be permitted to say, however, that his opposition to it had never rested on any constitutional ground; it had always been directed against the policy of the measure. As to addressing himself to those who would oppose it on the grounds of constitutionality he brought his remarks to a close. If a majority of the committee of the whole should think with the committee of ways and means, they would vote in favor of the bill. He trusted, for the honor of the country and the preservation of the public faith, Congress would do its duty in the premises.

Mr. F. arose and said that the gentleman had laid down the proposition broadly, that whilst the general government had not gold and silver in its possession to pay its debts, yet treasury notes could not be resorted to; and that the government is bound to pay its debts in the only medium recognized by the law, that of gold and silver. If he understood the gentleman right, that was his proposition. He (Mr. W.) repudiated that doctrine. He held that gold and silver was not the only legitimate currency of this

government. It might be demanded, but the creditor might take (Mr. W. was understood to say) any medium that was offered to him. If the proposition of the gentleman were true, that the government can only discharge its debts in gold and silver, what follows? The harshness of the sub-treasury itself. If the Government must pay out gold and silver, it must collect alone gold and silver.

The gentleman had talked about the unconstitutionality of issuing treasury notes. If the government could not get gold and silver to pay its debts in, was it not bound by the principles of common humanity, at all events, to give the public creditor evidence of its debt? Could not the government, as well as an individual, give its bonds? Was a treasury note any thing more than evidence of debt?

The gentleman had said that the government of the United States could not constitutionally pay its debts in treasury notes. He (Mr. W.) contradicted him in this. A treasury note did not pay the debt, on the contrary, it established the debt, and that was its only object. It was a solecism in terms to speak of paying a debt by giving a bond; the very fact of giving a bond, and not the debt itself, was the evidence that the government did not owe a debt, he agreed that it could not issue treasury notes; but if it did owe a debt, it was bound, if it could not pay it, to give evidence of it.

He had been no friend heretofore to treasury notes. It was only at the last session of the last congress that he contemned them at all. When the government owed a debt and could not pay it, the question was then presented, as it was now, whether they would wait for the restoration of trade, or of revenue resulting from trade, or resort to temporary means until real means could be obtained, or to a high tariff and land debt, for that was the question which was then presented and which now arose. The debt they contracted last session had done almost as much to destroy the credit of the government as the doctrine of repudiation itself. What did they now see? The government bonds refused in the market. And why? The debt ought to be sooner and sent to the people. When they were about to fund a debt, and negotiate a loan, they did not negotiate such a loan as it ought to have been. If they intended to have negotiated a loan, they ought to have given a sufficient time for it to run. Three years only was given; the loan had entirely failed; the credit of government was destroyed, and the issue of treasury notes was proposed. It would have done four or five months ago, to obtain the same amount of money. He had been opposed to the loan, because he had expected and had feared that it would result as it had, and bring disgrace on the credit of this government. It was not his fault that this disgrace now attaches to government. If they wished to provide permanent ways and means for government, and they could not collect them from the revenue, let them come boldly before the country, and say that they required a loan; and, whether or not the government would require ten or twelve years to pay it, that time would be required to tempt investment, and the government was bound, in public principles, he never need fear to avow them. If they owed money—if the public service required money—let them tell the people. He was for an enlarged public service in the various departments of government, especially in our navy. He was for paying the public creditors in gold and silver, and for providing the ways and means to pay it; but in negotiating a loan for the mere scarecrow that would be raised of a funded debt, he would not skulk back from the eight years to three years for it to run, and disgrace the government.

If they required a loan, let them come out and fund the debt, and let the constituents, from the prospectus now before him, be apprehended that this public debt was to run out to some forty or fifty millions before it would be arrested; for, in the midst of this general bankruptcy—distribution on the one hand and taxation on the other, of short loans and disbursements on the other, and of the means of payment, and he gave notice that, as the first means, and one of the most important of providing ways and means in this state of the treasury, he should, if the chair would entertain the proposition, and if no other gentleman proposed it, move that a *provision be added to this act that the proceeds of the public loans which have come into the treasury since the operation of the act of the 14th of July, and that may come in hereafter, shall be applied first to the payment of the public debt—and these proceeds would pay the debt;—before any treasury notes are issued under this bill;—providing, also, that when there are no proceeds of the public loans in the treasury, these treasury notes shall be issued as provided in the act of the 14th of July.*

Mr. Filmore desired to say, that if the design was to defeat this bill, and prevent the relief of the treasury by the supply of treasury notes it might afford, there certainly could be no more direct mode of doing it than by offering this amendment.

Mr. W. assured the gentleman from New York that he was the last man who would throw any thing in the way of meeting the demands of the treasury.

Mr. Filmore hoped the gentleman would withdraw the amendment, then; the treasury was now exhausted.

Mr. W. said he knew that. He had been waiting on the treasury since he first got here, and not a dollar had he got. The members of congress ought to be the very last to be supplied; they could not feel as others feel, unless they waited as others wait for their supplies. He would be glad to see a standing law that the legislative department, who are required to furnish supplies, shall never be supplied until the people are paid; and with a view to facilitate this, and with no desire to hinder this measure, notwithstanding the protestation of his friend, he would move the amendment.

Mr. Arnold desired to make a single remark. He had been struck with a remark of the gentleman from Virginia (Mr. W.) on the subject of treasury notes.

[The reading of the amendment of Mr. W. was here called for by several voices, and it was read by the clerk.]

Mr. Arnold then continued. He objected to the amendment as being entirely out of order; but he merely rose to make a remark in reply to the gentleman from Virginia (Mr. W.). The gentleman went for the issue of treasury notes; he (Mr. A.) went with him; but, although he went for them, the gentleman had said he would not receive one single dollar of them for his per diem bill.

Mr. W. denied that he had said this, explained his former remarks; but was not heard at the reporter's desk.

Mr. Arnold said that amounted to the same thing exactly. The gentleman came before the country advocating an issue of treasury notes, to be circulated throughout the land, but would not receive them himself. How could the gentleman reconcile this with honesty or honor?

Mr. Van Buren asked if this was in order?

Mr. Arnold said he would proceed then in order. This might suit the gentleman from Virginia (he continued) very well; he might have credit, or other funds, and be independent of his per diem; but what sort of a predicament does it place us in, (said Mr. A.) who are exactly situated as this government is now—who have neither money nor credit? [Laughter.] There were many of them who had to depend on their per diem before they could get their dinners—who were just like the government—who had neither money nor credit, and who must take treasury notes; and if the notes must be "shaved" at two or five per cent. they had to pay it. [Laughter.]

As to the point of order, he would say that there was no relevancy in any point of view in the amendment of the gentleman from Virginia to the bill. It was if any of the plainest questions that ever arose before the house, and the speaker must reject the amendment.

Mr. Filmore had hoped that the personal appeal he made to the gentleman from Virginia would have induced him to have withheld this amendment; some other occasion, because he was entirely satisfied, if they were to have a revision of the distribution bill, that they would nearly as soon have shorn off their provided for the present exigencies of the treasury.

But if the gentleman persisted in the amendment, (he Mr. F.) made the point of order, and suggested if they could introduce an amendment to repeal the act of the 14th of July, and to give the whole of the bill for raising revenue generally for duties. They had a rule of the house which provided that no amendment to a bill was in order that did not relate to the subject matter of the bill itself. Clearly a bill relating to the distribution of the proceeds of the public lands had nothing to do with a treasury note bill. He hoped, therefore, that the amendment would be rejected by the chair.

Mr. Weller moved that the committee rise. Tellers were called for, and the motion prevailing, by yeas 83, yeas 64, the committee rose. And the house adjourned.

FRIDAY, JAN. 7. Mr. Giddings presented a memorial from certain legal voters of Lenox, in the county of Ahtabaska, in the State of Ohio, praying congress to repeal the laws regulating or restraining the holding or transportation of persons as slaves in vessels of the United States sailing coastwise from one state to another; and to pass laws protecting the rights of all persons claimed or held as slaves who may be constitutionally or legally freed by going to sea, with the consent of their masters, beyond the jurisdiction of the state in which they are legally held as slaves.

Mr. *H. Cost Johnson* objected to the reception of the petition, as prohibited by a rule of the house in relation to petitions for the abolition of slavery.

Mr. *H* supported the objection, strenuously insisting that the memorial amounted to a prayer for the abolition of slavery on board any American vessel, whether public or private, in which a slave was carried three leagues out to sea—a new shape of the abolition question, and one that went beyond any thing heretofore attempted. He held that the deck of a merchant ship was a portion of the territory of the U. States, let her be in what part of the world she might.

The chair, after taking some time to compare the words of the memorial with the words of the prohibitory rule, decided that the former part of the memorial did involve a prayer for abolition, and therefore fell within the rule; but that the latter portion, which prayed the passage of a law "protecting the rights of all persons enslaved or held as slaves who may be constitutionally entitled to their freedom," did not; whereupon,

Mr. *Giddings* moved that this latter portion of the memorial be referred to the committee on commerce.

After some debating and confusion, the speaker, in reply to an inquiry of Mr. *Johnson*, asked the question before the house was on the motion to lay on the table the question of reception raised on the latter clause of the petition, which was not rejected by the rule.

Some excitement ensued, and the question being taken, the speaker declared the vote, on laying on the table the question of reception raised against the petition, which also carries the petition with it, yeas 104, yeas 86.

Mr. *Giddings* next presented a petition praying that the people of the free states be relieved from all obligations to sustain the institution of slavery.

Mr. *H* then objected to its reception, and moved that the question of reception be laid on the table.

The question was then taken, and decided in the affirmative; yeas 105, yeas 86.

Mr. *Giddings* then presented a petition remonstrating against the admission of any new state into the union whose constitution tolerates slavery.

Mr. *Campbell*, of South Carolina, moved to lay the question of the reception of the petition on the table; which motion, after a brief conversation, was carried; yeas 100, yeas 82.

Mr. *Giddings* said that, to justify himself to the country, he would declare that he held in his hand the petition of some ten thousand citizens from various states of the union, but mostly from Ohio, among whom were members of the senate and house of representatives of that state, and other gentlemen of the highest standing, praying to be relieved from the expense and disgrace of holding persons in slavery, and the slave trade. But after what had passed to-day, he said he should feel justified in withholding them, and would submit the question to the people of the free states to say how far they will submit to these legislative indignities.

Mr. *Andrews* presented a petition, remonstrating against the adoption of any rule by congress stigmatising petitions on subjects of slavery, or placing them in any on a different footing from other petitions.

Mr. *Campbell*, of South Carolina, moved to lay the petition on the table.

On this motion Mr. *Johnson* called the yeas and nays, which were demanded by the house; and, being taken, resulted in yeas 99, yeas 89.

Thus the petition was laid on the table.

Mr. *Andrews*, after presenting one or two other petitions of a similar character, on which the question of reception was raised and laid on the table, said that he had some fifteen petitions of the same nature, which had been rejected by the house, but would forbear doing so, as he supposed from the decision of the house to-day they would be rejected.

Mr. *Waller* presented several petitions on the subject of slavery; which, on his motion, were laid on the table.

Mr. *Carew* said he had several petitions of this kind, which, although he was unwilling to occupy the time of the house by the taking of yeas and nays, he felt forced to present, to be disposed of as the house thought proper. He then presented a number of petitions, which were severally rejected or laid on the table.

Mr. *Steady* asked if it was in order to move a reconsideration of a vote by which the petitions presented by the gentleman from Ohio, Mr. *H*, had been laid on the table. He merely called the attention of the house to the fact, that, although the gentleman had voted for the adoption of the 21st rule, he yet felt himself bound to present abolition petitions.

Mr. *Waller* said he had felt bound to present the petitions of his constituents; and as, from the recent

decisions of the house, they were rejected, he had moved to lay them on the table.

Mr. *Steady* said he wished it might be remembered that gentlemen who belonged to the whig party, and were opposed to the 21st rule, who presented such petitions, were influenced by like considerations.

Mr. *G. Davis* presented a petition asking for the repeal of the bankrupt law.

Mr. *Carew* moved the reference of the petition to the committee on the judiciary, with instructions to that committee to report a bill repealing the bankrupt law, and on this motion called the previous question.

Mr. *Proffitt* raised a point of order that the resolution must lie over one day, as giving rise to debate, and against the propriety of the previous question under the circumstances in which it was now moved.

He made a call of the house.

Mr. *Chittenden* moved to lay the petition on the table.

Pending which motion, a motion was made by Mr. *J. T. Mason* that the house adjourn; which prevailing—the house adjourned.

SATURDAY, JAN. 8. Mr. *J. L. Williams* presented the memorial of a convention recently held in Knoxville, asking an appropriation for a survey of the Tennessee river with a view to the improvement of its navigation.

Mr. *Briggs*, on leave, offered the following resolution; which was adopted:

Resolved, That the committee on public expenditures be instructed to inquire into the quality and amount of the goods purchased or contracted for by the new custom houses, and to report whether it be "fair, economical, and whether a proper economy has been exercised in the matter." Also, further to inquire whether there has been any reduction in the number of persons employed in the custom houses of the city of New York, or any reduction of the expenses of the same during the last year, and what reduction may be made in the number of persons employed in and expenses of said custom houses without detriment to the public service.

Mr. *Lery* asked leave to offer resolutions of inquiry of the secretary of war relative to the state of the Florida war; which were not received, objection being made, and which are as follows:

Resolved, That the secretary of war be directed to report to this house the cause of the recent unobstructed passage of the hostile Indians from the Florida settlements at Mandarin; what force was stationed in that vicinity for the protection of the inhabitants east of the St. John's, and what measures were taken for the relief of the distressed inhabitants.

Resolved further, That the secretary of war be directed to report to this house what measures are employed for the protection of the lives and property of the inhabitants of Florida, and whether any and what further legislation is necessary to enable the executive to provide for the due protection and for the suppression of the Indian hostilities still pending.

Resolved further, That the secretary be further directed to report to this house what number of murders have been committed by the Indians in Florida since the disbanding of Read's brigade of volunteers, and of the measures taken to prevent such provision for the defence of the settlements of Florida as will give proper security of person and property to the citizens of said territory.

Resolved, That the said secretary be further directed to report to this house what forces have been withdrawn from the army at the adjournment of the last session of congress, the disposition made of the force thus withdrawn, and the reason of its withdrawal.

The house proceeded to the unfinished business of yeas and nays, on the question of the petition of Mr. *Chittenden*.

Mr. *Fuller* requested his colleague Mr. *Chittenden* to withdraw the motion to lay on the table, as many who were opposed to the repeal of the bankrupt law would not vote to lay on the table; and that the question be taken on the instructions, as that would be a test question.

Mr. *Chittenden* then withdrew his motion to lay on the table.

The question then recurring on seconding the demand for the previous question, Mr. *Warren* asked a division of the question, and moved to lay the instructions on the table.

After brief conversation on a point of order, the yeas and nays, having been asked and ordered, were taken, and resulted yeas 89, yeas 114.

Thus the instructions were not laid on the table. The question now being on seconding the demand for the previous question; Mr. *Lane* appealed to his colleague, (Mr. *Carew*), to withdraw his demand for the previous question, to enable him to make a further reference to his vote on the question now pending.

Mr. *Carew* accordingly withdrew the demand for the previous question.

Mr. *Lane* said that at the extra session he had voted for the bankrupt bill, not in accordance with his judgment, but in obedience to instructions, those instructions he considered still binding, and should,

as at present advised, vote against the repeal of the bankrupt law; but were it not for the instructions I should certainly vote for its repeal.

[Cries of "order, order," were here raised, and Mr. *L* concluded by renewing the demand for the previous question.]

Mr. *Thompson*, of Mississippi, appealed to the gentleman from Indiana to withdraw his demand for the previous question, that he might state the reasons for his vote.

[Cries of "no, no," were here raised.]

The demand for the previous question was seconded by the house.

The question being, "Shall the main question be now put?"

Mr. *Barnard* asked the yeas and nays; which were ordered by the house, and being taken resulted as follows: yeas 109, yeas 97.

So the question was decided in the affirmative.

The question then being the main question on the instructions to the committee to report a bill to repeal the bankrupt law.

Mr. *Waller* asked the yeas and nays; which were ordered, and the question decided in the affirmative as follows:

YEAS—Messrs. Landaff, W. Andrews, Arrington, A. A. Armstrong, Beardsley, Bidlack, Birdseye, B. W. Blair, Aaron, B. Brown, Charles Brown, Burke, William Butler, William O. Butler, Green, W. Caldwell, Thomas J. Caldwell, John Campbell, Wm. B. Campbell, Thos. J. Carruth, George Cary, Casey, Chapman, Chafford, Clinton, Cowen, Cravens, Daniel, Garrett, David Richard D. Davis, Dean, Dean, Doig, Eastman, John C. Edwards, Egbert, Ferris, John G. Floyd, Charles J. Fox, George H. Gale, Gentry, Gilmer, Goggin, W. O. Goode, Gordon, Graham, Green, Graham, Harrison, John Hastings, Hays, Holmes, Hopkins, Jack, Houston, Hubard, Hunter, Charles J. Ingraham, Huck, John J. Johnson, John A. Kennedy, Lewis, Lowell, A. McClellan, Reuben McClellan, Melville, Marshall, T. F. Marshall, John Thompson Mason, Matthews, Mattocks, Meller, Miller, Morris, Newhard, Owen, P. Farmer, Partridge, Payne, Plumer, Pope, Proffitt, Rensselaer, Reynolds, Rogers, S. S. Rogers, Saunders, Slater, Sleepers, William Smith, Sayde, Sollers, Stearns, Alexander H. H. Stuart, Sumner, Sumner, Swaney, John B. Thompson, Triplett, Turney, Underwood, W. W. Walker, Walter, Waller, Westbrook, Jas. W. Williams, Christopher H. Williams, Wise, Augustus Young—115.

NAYS—Messrs. Adams, Allen, Sherlock, J. Andrews, Abbott, Aaron, Beardsley, Bidlack, Birdseye, B. W. Blair, Brown, Brewster, Briggs, Brockway, Bronson, M. Borden, Calhoun, Childs, Chittenden, John C. Clark, Stanley N. Clarke, Cooper, Cravens, Cushing, Dawson, J. P. Edwards, Erwin, Fessenden, Filmore, A. L. Everett, Fisher, Graves, Gentry, Goggin, H. H. Habschman, Hall, William S. Hastings, Henry, Howard Hudson, Joseph R. Ingersoll, James Irvin, William W. F. Jones, James W. Cost Johnson, John P. Kennedy, Keane, Leavell, Linn, McKen, Samuel M. Mason, Mathiot, Maxwell, Maynard, Meriwether, Moore, Morrow, Osborne, Penitton, Benjamin Randall, Alfred Randall, Randolph, Ridgway, Rodney, Roosevelt, W. R. Rorer, S. S. Rogers, Solomon, Thomas W. Smith, Stuart, Truman Smith, Stanley, Stokely, Stratton, J. T. Smart, Taliaferro, Richard W. Thompson, Jack Thompson, Tillgham, Toland, Trumbull, Van Rensselaer, Wallace, Waring, Washington, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Winthrop Wood, York, John Young—83.

Thus the committee on the judiciary was instructed to report a bill to repeal the act to establish a uniform system of bankruptcy.

Mr. *Care Johnson* moved a reconsideration of this vote, and on that motion demanded the previous question.

The previous question was then ordered by the house, and the main question on the motion of reconsideration was decided in the negative without a division.

The second division of the question, viz. on the reference of the petition was then carried.

Mr. *Marshall* presented a memorial from the chamber of commerce of Louisville, and also a petition very numerously signed from citizens of Louisville praying for a repeal of the bankrupt law.

Mr. *M* moved to refer these petitions to the committee on the judiciary, with instructions to that committee to report a bill to repeal the law heretofore forthwith; and on this motion asked the previous question.

Mr. *Steady* moved to strike out the word "forthwith."

Mr. *Marshall* then modified his instructions by striking out the word "forthwith," and inserting "Monday next."

The demand for the previous question was then seconded.

Mr. *Irvin* moved an adjournment.

On this the yeas and nays were asked and ordered and the house refused to adjourn; yeas 38, yeas 158.

The question then being on the demand for the previous question; Mr. *Marshall* said he had just un-

stood that the regular day of meeting of the judiciary committee was Tuesday, and he would therefore modify his motion by inserting "Tuesday" instead of "Monday."

The previous question was then carried without a division.

And the question being on the main question, Mr. Fillmore rose and said that the yeas and nays which were ordered.

The main question on the reference of the petition to the committee on the judiciary, with instructions to report a bill to repeal the bankrupt law, on Tuesday next, was then decided in the affirmative as follows:

Yeas—Messrs. Arlington, Alorton, Barton, Beebe, Biddick, Brinsley, Bowyer, Boyd, Brown, V. Brown, Charles Brown, Burke, S. H. Butler, William Butler, O. Butler, George W. Caldwell, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Candler, Cardozo, Cary, Casey, Chapman, Charles Smith, Cowen, Cravens, Daniel, Garrett Davis, Richard Davis, Dean, Dean, Doug, Eastman, John C. Edwards, Egbert, Ferris, John F. Floyd, Charles A. Foy, Francis, Thomas F. Foster, George, Giddens, Gozard, M. O. Goode, Gordon, Graham, Green, Gunne, Harp, John Hastings, Hays, Holmes, Hopkins, Hove, Houston, Hubbard, Hunter, Charles J. Ingersoll, Jackson, James K. Kennedy, Lewis, Loring, M. L. Marand, Alfred Marshall, Thomas F. Marshall, John T. Mason, Matthews, Mattocks, Medill, Miller, Newhall, Samuel B. Thompson, N. P. Parke, Plumer, Pope, R. Shaw, Reynolds, Rielt, Rogers, Sanford, Seabrook, Reed, Shepperd, William Smith, Snyder, Solers, Conrad, Alexander H. S. Spri, Summers, Sumner, John B. Thompson, T. T. Trillett, Turney, Underwood, Van Buren, Ward, Watson, William A. Wood, James W. Williams, Christo H. Williams, Wise, Gustus Young—112.

Nays—Messrs. Adams, Allen, Sherlick J. Andrews, Alden, Batsford, Bledsoe, Barnard, B. Barnard, Jordan, Brewster, Bigges, Brockway, Bronson, Milton Owen, Burnell, Calhoun, Catwren, John C. Clark, S. Clarke, Cooper, Cranston, Davidson, Deberry, Fessenden, W. Lawrence Foster, Gaudier, Gates, Gardner, Gwin, Halseham, Hall, Henry, Howard, Hunter, Hunt, Joseph R. Ingersoll, James Irwin, Wm. F. Irwin, James William Cost Johnson, John P. Kennedy, Laidlaw, McLean, McKim, Morrow, Osborne, Middleton, Benjamin Randall, Alexander Randall, Ruffin, Ridgway, Rodney, Roosevelt, William Russell, Samuel B. Thompson, Simon, Slade, Troman, Stanly, Stokely, Stratton, John S. Strong, Thompson, R. W. Thompson, James Thompson, Tillingshast, Tomlinson, Tremblay, Van Rensselaer, Warren, Warren, Williams, Thomas W. Williams, J. Williams, J. L. Williams, Whitnott, Wood, York, Young—87.

Mr. Gentry moved to reconsider this vote.

Mr. Weller demanded the previous question on this

Without a division the demand for the previous question was carried; the previous question was carried; and a main question on the reconsideration decided in the negative.

Mr. Campbell said this was a great national festival on the 1st of January. He therefore moved that the yeas and nays be ordered.

Mr. Trillett said he hoped that they would not adjourn for this very reason.

[Crier of "order," "order."]

Before the question of adjournment was taken; the Mr. said he had received certain executive communications to present to the house, and he would then laid before the house a communication from the secretary of war, transmitting, in obedience to a list of contracts made by the various branches of the war department of the past year.

Mr. Stanton called the yeas and nays on the motion

The yeas and nays were ordered, and, being taken, the question was decided in the affirmative as follows; as 116, nays 80.

The house then adjourned to Monday, at 12 o'clock.

MONDAY, JAN. 10. The rev. John N. Maffei, the stated chaplain of this house, appeared and made prayer for the first time.

Mr. Fillmore rose and said that in the present embarrassed state of the treasury, he felt it to be his duty to ask the unanimous consent of the house to proceed with further proceedings on the call of petition for the present, that the house might proceed to the bill authorizing the issue of treasury notes, he hoped this could be done.

And he desired to state a single fact. He understood from the secretary of the treasury that the power to issue treasury notes had been exhausted, and that unless some means were applied to provide for the wants of the treasury, on this time warrants must cease to issue. Matters, therefore, were come to a point where the character of the nation was involved, and he did hope that the house would consent to take up the bill and dispose of it in one way or other, and on his motion,

The house resolved itself into committee of the whole on the state of the union, (Mr. Hopkins of Virginia) and resumed the consideration of the bill authorizing the issue of treasury notes.

Before the question was stated from the chair—

Mr. Wise rose and said that, when the committee rose last Thursday, the pending question was on a point of order raised on an amendment introduced by Mr. Weller, in relation to the renewal of the distribution law of the last session. He now withdrew his amendment.

Mr. Fillmore said that one or two slight amendments had been recommended in the bill, which he desired now to suggest.

He then struck out from the fourth and fifth lines the words "in lieu of those heretofore or hereafter redeemed."

The question was then taken and decided in the affirmative without a division. So the amendment was agreed to.

Mr. Fillmore said there was a corresponding amendment merely verbal, which he desired to offer. It was to strike out from the end of the 11th line to the end of the 14th the following words:

"And as modified by an act entitled 'An act additional to an act on the subject of treasury notes,' approved the 31st of March, 1840."

Mr. Weller then proceeded to state that he had heretofore, when the wants of the treasury required it, voted in favor of the issue of treasury notes for the purpose of anticipating the accruing revenue of the country, (and Mr. W. alluded more particularly to his course on that policy). He was willing to vote for the amendment, inasmuch as these notes were ought to be provided for their redemption. The bill before the committee required the recognition, on the part of this house, of a loan bill. He should, therefore, move to strike out that provision in the bill, and when that was done, he was willing to vote for the amendment, inasmuch as these notes were for the bill simply because the proposition came from an administration to which he was opposed—and most especially so, when the present state of the treasury was taken into consideration.

He should offer his amendment not for the purpose of embarrassing the bill, for he was as anxious as any that a vote should be taken on the subject, for the purpose of having a vote on the question of restoring to the treasury that which had been unconstitutionally been taken from it.

Mr. W. then offered the following as an additional section:

"And he further enacted, That so much of the act passed on the 4th day of September, 1841, entitled, 'an act providing for the distribution of the proceeds of the sales of the public lands and granting pre-emption rights,' as provides for the distribution of the said fund among the states and territories and District of Columbia, be, and the same is hereby, suspended; and that the said fund shall be applied to the payment of the outstanding treasury notes, as well as those authorized to be issued under this act."

The chairman decided the amendment to be out of order, and the decision of the chair after some discussion was sustained, by yeas 92, nays 78.

Mr. Cooper, of Pennsylvania, warned the committee that it was not his intention to inflict a long or short speech on the house, but he had some grounds on which he should oppose the bill now under consideration. He had heretofore, though under different circumstances, avowed his decided opposition to the issue of treasury notes; and he had done so because he believed that, as a means of supplying the wants of the treasury, it was insidious in its character, and tended to produce extravagant and wasteful administration of government. So long as a government was able to relieve its wants by the emission of treasury notes, it would be very likely to govern itself by the principles of economy; but if it were compelled, on the contrary, to resort to loans, and to pay for itself the pressing wants of the treasury, it would be very likely to resort to loans, and to pay for itself the pressing wants of the treasury, this all must admit; but, in selecting those loans, they were bound to adopt such as, while they furnished a supply to meet the exigencies of the treasury, would at the same time promote the prosperity and advance the true interests of the people. The question was, then, what was the true interest of the people? It was not to issue treasury notes to the same extent as a loan? If not then congress was bound to reject the one and adopt the other. Every body knew that, should treasury notes be issued with an interest of six per cent, they would soon find their way into the pockets of

capitalists, and never would get into general circulation; but should a loan be negotiated, either at home or abroad—more especially if obtained abroad—the amount would obtain general circulation in the country, and thus the paper money market would be proportionately relieved; and thus the people would be benefited at the same time with the government. For this reason Mr. C. was in favor of a loan.

But the committee were told by the honorable chairman of the committee of ways and means that the government was in a state of embarrassment, and such embarrassment as required immediate relief. It might be so; if the chairman stated this to be the case he had no doubt that it was so; but let it not be forgotten that embarrassment extended beyond the government, and that the people were in a state of need of immediate relief, was pressing on the people in an equal degree. If the government was to be relieved, let the people be relieved too; a loan would operate to relieve both.

Mr. C. admitted that the Van Buren party might consistently enough go for this bill; but he was astonished, he was astounded, when he saw the whig party, with which he had been in the habit of acting, abandon the principles for which they had so long and so strenuously contended and lend their support to a system they had so vehemently denounced as impolitic and fraught with all mischiefs. He was especially surprised to see his friend from New York (Mr. Fillmore) bringing forward a bill of this character, and to find him sustained by others who formerly agreed with him in opposing the entire system. The gentleman, to be sure, told the committee that an agency had arisen, and that speedy relief was indispensable; that the government's drains had actually been protested, and that the treasury must be relieved, and that without delay. Who could forget with what pertinacity, from day to day, and from week to week, at a late session of congress, the whigs had resisted this expedient for relief? And was not a tale equally polluted with the same sound in their ears by the then chairman of the finance committee (Mr. Jones)? Had not that gentleman represented to congress the distressing embarrassment of the treasury.

That they first opposed getting the bill into committee; and, when defeated in this by the suspension of the yeas and nays, they then opposed getting the bill into the house, then on the previous question, then on considering the bill to its third reading, and again on its final passage, when but 5 out of 110 or 112 whig votes were cast in its favor. But one short year had elapsed, and now the very same men who had then so resolutely opposed the bill, were the first to bring it forward, and give it their support. He was not merely surprised, he was confounded at such a spectacle.

Mr. C. had opposed treasury notes on principle; and not from any factious opposition to Martin Van Buren.

But it was said that we must issue treasury notes because a loan could not be obtained in the country; and if we got it at all, we must obtain it in the foreign money market, which would require three or four months delay; and in the mean time the government would be left without funds to meet its engagements. But let us remember, that the entire American people were in the same condition; that multitudes of creditors had not merely had their claims postponed, but had lost them altogether. Let gentlemen compare the condition of the people with that of the government; and when they reflected on this, a delay of three or four months would not be so much deprecated. Was it not the case that the government greater than that of the whole people? He had some advocate of the bill would summarize and reply to this question.

It was no reason for the issue of treasury notes that Martin Van Buren had been ejected from power, and that another administration had succeeded to that then in possession of the government. Mr. C. was not sure but that the history of the country would demonstrate that which it seemed to have been unable to learn from the overwhelming elections of the last fall, viz. that it must return to whig measures; and that this was the only means of conciliating to itself the confidence of the nation. Had the measures recommended, and let us remember the whig measures of both houses, been carried into effect, it would have been no need of this resort to treasury notes; then there would have been no difficulty in obtaining the loan now become so necessary. Let the government learn, by bitter experience, the error into which they had fallen, and let them, though late, retract their steps. But, alas! the error is the same of these; but it was known in so far, that "returning were as tedious as go over."

Mr. C. did not intend to indulge in any language disrespectful to the government; but he should like to

which had, indeed, been raised on the extra session, but which had been, nervously pressed in strains of manly eloquence, whose tones of thunder had not even yet ceased to vibrate the air. Nor could he comprehend why the sensibilities of gentlemen seemed now to be awakened into so much vivacity; he could not really understand it. And if gentlemen carried it much further, his suspicions would begin to be aroused. Much as Mr. M. must deprecate and deplore the course the executive had deemed it his duty to pursue, in regard to a great financial measure which had been submitted for his approval at the extra session, and which, had he proposed a law, would have saved the government from gentlemen on a course of measures like that now proposed, yet his deportment had ever been highly respectful toward that person as the chief magistrate of the republic. Nor could he but think that gentlemen who undertook to defend him in the strain in which the gentleman from Indiana had just addressed the house, but little consulted the dignity of the president.

[Here Mr. *Profit* interposed, and made some remark.

Mr. M. resumed. Did any thing he had said amount to a charge against the president? Could nothing be said which seemed in any degree directed toward that officer? No, must per the gentleman from Indiana, and it was "well" and "quite in royal style." [Much laughter.] And when a gentleman, in reply, answered the gentleman that he had not so much as been thinking of him, the gentleman threatened that he would "make them think of him!" he would "batter himself into their brains, *nolens co-*

Mr. M. had a question to put to the gentleman from Indiana. That gentleman knew the personal respect Mr. M. cherished towards him; none knew it better; but really the gentleman's course on this occasion had been such as to awaken some suspicion. This was a question between the congress of the U. States and the executive department. The house had no quarrel with "the guard," and, last and least of all, had the house of representatives a question with the gentleman from Indiana. If that gentleman was indeed the accredited organ of the president on that floor, then the president must be held responsible for what the gentleman said, and then Mr. M. understood that the gentleman, as president, "the guard," would not appeal to that house, but would make our appeal to the people of the United States for the correctness of our course. Now, was he to understand from this that the president meant to be a candidate in the next presidential canvass? If so, let the honorable gentleman, as his organ and representative, make that declaration, then he would know what to rely on. But to return to his subject.

Mr. M. said he was opposed to the policy of the bill. His repugnance to it was unutterable and invincible. Would any gentleman tell him that the government of this union, representing twenty-six great, populous, powerful and independent states, being in want of money for the public service, and going into the market to buy its bond having twenty years to run, at an interest of six per cent, could not obtain it—an assertion which amounted to little short of a declaration of bankruptcy. If that were true, then, terrible as it was, the nation ought to know it. This country had never, in any emergency, been on the verge of ruin as Great Britain—a power possessing five hundred and thirty ships of war, while we had sixty-eight—a power whose fleets, extending themselves along a line of two thousand five hundred miles, were able to girdle our entire seaboard, and might at their pleasure select any point of attack they deemed the most vulnerable—a power which had the actually gone to war with us, would have found no greater fleet than that to resist her; and who, had she made a descent upon the land, would have encountered no army but the free and hardy yeomanry of the land. An experiment, indeed, she would never again make, but would wisely have been content to keep her fleet in the ocean. There would have been the field of combat; for

"Her march was on the mountain wave,
"Her home was on the deep."

Then we must have fought, each what it might. And did understand gentlemen as asserting that we could not, even in that emergency, have raised twelve millions of dollars on the bond of the government? No, help him heaven to deny that! The word of God is, "So far as the debt is concerned, no word of necessity existed, the government could have got from this great people a hundred or two hundred millions on its simple scrip.

But they were told there was a necessity for this emission of treasury notes. Mr. M. had denied it in the most emphatic and decided manner, and he had, he said, preferred a loan. He abhorred the whole

treasury note system; not on coin, but had he considered the fact that he had not examined the constitutionality of it, but he abhorred it on every account, on national grounds; and, also, he would frankly avow it, on party grounds. How did we stand? The bank bill had been vetoed, the bankrupt law was gone, he supposed the distribution law was in little better condition; the loan had failed, and now they were to be thrown on the treasury note system. Heaven and earth! What had become of the fruit that was to result from the extra session? [A laugh from a portion of the house.]

Then, with all personal respect, and with the understanding that, after he had obtained from the honorable chairman of the committee of ways and means the information he desired, he should be at liberty to resume the floor and to comment upon it, he would again ask for the personal information which had been obtained by the infidalgable and persevering exertions of the honorable gentleman, apart from any facts contained in the official letters or report of the secretary of the treasury as to the power of the government to obtain, in the domestic market, the amount needed by the treasury on loan.

Mr. *Filmore* rose, in reply, that, in addition to that which the statesman had said, he had been permitted to see the original correspondence of that officer with our commercial cities on that subject, and he was of opinion that it went fully to sustain the statements made by the secretary to the committee. He had also taken pains to acquaint himself with the facts from those who were well acquainted with the condition of the money market; and all he had learned confirmed him in the same belief. It was, indeed, a thing undoubted with him that there existed no probability, even if there were a possibility, of obtaining the money needed by government on the loan already authorized—no, not even should the time be extended to twelve years—without an application to European capitalists.

In addition, he begged leave to say that a friend and colleague of his, doubting that such could be the fact, he had for his conviction obtained evidence of the appalling state of the public credit at the present moment. He here sent to the clerk's table a letter from Prime, Ward & King, of New York, addressed to the gentleman, in which it was stated that the amount could be obtained on the United States loan, even should the time be extended to twelve years, inasmuch as the United States six per cent. stock had been offered in the market at from three to five per cent., and was without buyers. They further stated that the government would have to allow seven per cent. to get in the market, and that the sum wanted might be obtained. They advise that bonds be given to run seven years for four millions, and that for five millions more treasury notes be issued bearing above seven per cent., since the notes bearing six per cent. were at one per cent. discount. The letter closed with the following reflections on the present state of the government credit, and gloomy forebodings as to its future depression to a still lower point, unless speedy and efficient measures should be adopted for its restoration.

Mr. F. stated, in conclusion, that a similar statement had been made to him from Boston, by the honorable Abner Lawrence, late a representative from that state.

Mr. *Marshall* resumed the floor. From the letter now read, he understood it to be stated, on the authority of Prime, Ward & King, of New York, that the requisite amount could be obtained in the domestic market, if government would consent to pay 7 per cent. and make its bond run twelve years; and that it could not be had for less. That was the present state of the credit of the United States government; and on that basis it was insisted that the government must return to the system of treasury notes. Why? Would our credit be any better or worse than that of the bond of government? They could not compel the public creditor to take them in payment of his debt; and, if not, would the public credit be any better on notes than on bond? If Mr. M. should go to a man to borrow a sum he had need of, and the man would not let him have the money on his bond, would 7 per cent. interest would he let him have it at any less interest on his promissory note? If he would, he must be a loser somewhere. If, then, these treasury notes were to go at an interest of 6 per cent. it must be by force—either by the force of necessity laid on the public creditor by law, or by actual strength gained by the public creditor. In the former case, in the present times, for no form of domestic despotism would ever attempt such a thing. The state of the public credit was now correctly known, and it certainly could not be made any better by treasury notes. In this argument Mr. M. reasoned fairly and sincerely, not from any party bias, but from the plain facts of the condition of the government of his country degraded. He was ready to let her

know, and the first time she could get rid of these treasury notes, she could be better than before. To say, as he did, was not in the contemplation of gentlemen to cheat the public creditor to the extent of the failure of government credit in the market; that never could be seriously intended.

Unless, therefore, he obtained more light on a subject which he did not profess to understand as well as some gentlemen in that house, he must still profess himself in favor of the old plan—the whig plan, he would call it—of giving the bond of the government on time. He would rather have the government, and get the money by loan than attempt this most detestable of all modes of raising money; a mode to which he never could be brought to give his consent, unless in the most extreme circumstances of necessity. If these notes were forced on the public creditor, the government *en carra hia*; it dishonored itself by an act of open bankruptcy, and then there should be inserted a clause in the bankrupt bill to include the government of the United States. [A laugh.] What talk of public credit? What could so effectually strike a dagger through the very heart of the public credit as this? What this government to turn broker and bankrupt broker? To say, as he did, *To say to the man paper!* The political school in which he had studied never recognised such policy as that. It might, to be sure, be a neat financial operation; but it involved a question of the national honor. If you paid your creditors, pay them in something that was worth their debt. If you could not get the money in, in all conscience add the amount of discount, and pay the whole.

It might be a very unpleasant and very alarming thing to tell the creditors that the credit of the government was at seven per cent. below par; but he would tell them so; and, though his constituents could not bear it, he would tell them so, and insist for direct taxes than be driven to such a system. There could be no difference in expense between a loan and these notes, unless it was intended to cheat the public creditor to the extent of the difference.

Mr. M. had no desire to impeach this administration, or any other; that was not the question now—this was no time to criminate and recriminate, to cry over spilt milk, or to go back to the causes which had induced the present state of the country and the government; otherwise a long train of causation might be traced up by the eye of the philosophic statesman. There never was an effect without a cause; and the cause might be pushed, step by step, back, and back, till it was lost in the mists of antiquity. It was prosperity, and the very highest condition of public credit ever enjoyed by any nation on this earth—by an erroneous policy obstinately clung to, and still persisted in by what was called a whig administration—it had been reduced to our present state of public shame. But he dared not go into that investigation. It was not a great while ago when we had a surplus revenue of thirty-four millions per annum in the treasury, when we had the best currency under the sun; a currency such as the great governments of Europe never did or could possess, because none of them, extending of the same wide-spread scope, ever had a central power whose fiscal arm reached over the whole. Russia, France, Germany, never had such a glorious six-and-twenty states with a government whose hand controlled them all, and whose heart was strong enough to propel the vital blood through their remotest extremities. More than that. This government was the only one in the world which had no debts, which had ever paid off its national debt. No government was on record since the days of the Roman Empire which had achieved such a thing. But the American government had paid hers—paid it all to the last dollar, and that in good hard genuine coin; ay, and had besides an instrument by which it could throw its currency to all the ends of the world by the mere stroke of a pen. And all this after passing through a war in which all the odds were against her, with all the untamed energy of a young giant. And where was this once glorious government now? Her credit in the dust; openly disgraced; asking for twelve millions, and could not get it! Who our

But he would not touch on that theme; he alluded to it only to show the effects of this miserable, contemptible, luckstering scheme of temporary expedients. A system which had brought his country's honor so low, he never could be reconciled to. He would not touch on the subject of the public credit now, as it fitly for such an empire as this. Bad as our credit now was, treasury notes never would make it any better, but much worse, from the damning acknowledgment it involved that the government could not get money anywhere else.

Mr. *Underwood* obtained the floor, and moved for the rising of the committee. The motion prevailed, the committee rose; and thereupon the house adjourned.

CHRONICLE.

BANKRUPT LAW. Preparations are making by the judicial authorities of the United States for conveying the provisions of the bankrupt law into effect within their respective districts.

CAPTAIN BOLTON. The court martial which tried Capt. Bolton, rendered the following sentence:

"The court having found captain William Compton Bolton guilty of 'disobedience of orders,' in parting from the Ohio, on the coast of Spain, on or about the 4th day of April, 1841, in violation of a verbal order conveyed to him through messengers, and of the provisions of the law, in consideration of the manner in which the order was given, the court only adjudge him, the said Capt. Wm. Compton Bolton, to be privately reprimanded by the honor of the navy."

"The court is further of opinion, that the said captain William Compton Bolton, in the exercise of his command, was fully prepared and at all times anxious to sustain the honor and reputation of the American flag."

The letter of the secretary of the navy, conveying the sentence and reprimand to Capt. B. was as follows:

Sir: I enclose a copy of the finding and sentence of the naval general court martial in your case, recently tried at the navy yard, Philadelphia, which has been approved.

For a person of your high sense of personal and professional honor, this sentence is sufficiently executed by simply announcing it.

You are relieved from arrest, and will consider yourself as being on duty. I am, very respectfully, your obedient servant.

A. P. UPSTILL,
Capt. W. C. BOLTON, United States navy, Philadelphia.

THE CHARLESTOWN AND FRESH POND RAIL ROAD. Length about 5 miles, was opened the 6th January. It is designed as a substitute for carrying lumber from the pond, 3,000,000 tons of which are said to have been exported there last season.

THE COMMERCE OF BOSTON. During the year 1841, there were 6,347 arrivals at Boston; of which 289 were ships, 283 ketches, 1,227 brigs, 4341 schooners, 177 sloops, and 43 were foreign arrivals, and 1,474 coastwise. The clearances during the period were 4,410, of which 1,369 were foreign and 3,041 coastwise. There appears to be about 1,700 more coastwise arrivals than clearances, which is accounted for many vessels sailing under a fictitious license that never clear at the custom house at all.

EXPLODING EXPEDITION. By way of Mazatlan and Vera Cruz, the Island of Commerce has received a file of the Sandwich Islands Polytechnic to the 31st July.

June 25th.—The United States exploring expedition, though fitted out as a peaceful expedition, and with small armaments, has done more fighting and been engaged in more combats, than probably the remainder of the navy for the last ten years. At the Fijies from 7 to 10, the natives were killed on the part of the natives, at the King's Mid group, from twelve to twenty—and at the Sanno, several villages were burnt. Besides these, many petty attacks have been repulsed without any known loss of life.

Many individuals in the United States may be induced from ignorance of the character of savages, to condemn these acts as cruel and unnecessary, but those acquainted with all the circumstances, will consider them proper and called for by the treacherous disposition of the natives themselves.

The British brig *Ware* arrived at Honolulu, July 20th from the Sandwich Islands, after having on board 120 natives. When she left, the U. S. ship *Vincennes* and brig *Porpoise* still remained at Fuguet's Sound. Captain Wilkes had returned overboard from Fort Vancouver to the vessels, he had been for a month anxiously looking for the *Porpoise* and *Vincennes*, which were long since reported at the river before this. The agent of the Hudson's Bay Company had extended to the officers every hospitality within his power.

THE FIRE AT BAYON ROUGE. The occurrence of a destructive fire at Bayon Rouge, (La.) is confirmed. It broke out about ten o'clock on the morning of the 23d ultimo, in the dwelling house of Mr. Baun. Thirty houses, lathies, outbuildings, &c. fell a prey to the flames. The loss of property is estimated as high as one hundred thousand dollars. Besides the burning of the houses, distress which the calamity has occasioned to the poor, many of whom have lost their means of subsistence, is a state of painful destruction.

FIRE AT DETROIT. The Advertiser extra of January 8 announces the destruction of property to the amount of \$100,000 by a conflagration which started at 6 o'clock, and consumed the most valuable square in the city.

FLORIDA. A correspondent of the Savannah Georgian under date of Dec. 25, says:—The news from the ever-late expedition of a disorganizing nature. Col. B. L. Ord, who left Palatka on the 10th ultimo, has returned, after one of the most harassing and fatiguing sojourns that has ever taken place in Florida. He went as far north as Fort Pierce on Indian river, crossing on his way the south in quest of the famous spring Apopka. In his return he scouted the country between

the St. Johns and the Atlantic, as far north as Palatka creek and from thence to Palatka. The whole country was under water, and as a matter of course, his command was much inconvenienced. It is said, and I believe with truth, that no foot troops have ever before been over the same country.

Company K, 2d infantry, under Lieut. Alboris, is in pursuit of the enemy said to have been seen in the neighborhood of Mandarin.

Tampa, Dec. 29, 1841. Colonel Worth has recently returned on an excursion into the everglades. His search for the enemy was fruitless. No recent signs were found to direct his place of retreat. A force of about 1,300 men from the army and navy is still scattered over the southern portion of the peninsula, which is actively engaged, and is likely to inflict their little security for their landing places for any length of time.

LATE MESSAGE. According to the secretary of the treasury's report, the duties and licensed tonnage in 1841, at the various districts on the lake is, at

	Tons.
Sackett's Harbor,	8,316
Albany,	230
Buffalo,	4,196
Cleveland,	5,514
Sandusky,	2,643
Detroit,	11,433
Mecklenburg,	470

Total, 41,184.
The district of Detroit excels any other. Cleveland next.

MARYLAND. Slaveholders' convention. On Jan. 12, they did assemble at Annapolis having representatives from every county except Carroll, Allegany, Caroline and Worcester. The following officers were elected. Robert W. Bowie, esq. of Prince George's county, president; gen. Thomas Emory, gen. Benj. C. Howard, W. Thomas R. Wilson, vice presidents; John A. Carter, Gen. W. Sherwood, secretaries.

Legislature. Mr. Preston has introduced a bill into the house to compel the banks to resume specie payment. It is not yet acted upon.

THE FINANCES. According to the report of the treasurer of Maryland, the receipts into the treasury from all sources in the year ending Dec. 1, 1841, were \$985,970 3/4—the disbursements \$894,492 03—leaving a balance of \$91,478 33, which is subject to unexpended appropriations for \$194,953 26, showing a deficiency of revenue of \$103,475 33, which is to be added to the cost of the present session of the legislature, estimated at \$55,000. The charge from all sources, on the treasury next year, is estimated at \$1,245,483 07, which is to be supplied by the tax, the ordinary revenue, and the interest on the bonds received from internal improvement companies.—The result is, that the tax will be chargeable with the payment of \$600,000 a year.

MAINE. The legislature of this state convened at Augusta on the 6th instant, and was organized by the election of Samuel H. Blake as president of the senate, and Charles Andrews as president of the house of representatives.

Vote for governor. The committee appointed to count the votes for governor, reported the following result: 86,511, John Fairfield; 47,354; Edward Kane, 36,730; scattering, 2,007.

The governor's message has nothing new or of importance respecting the northeastern boundary. The state's land agent Mr. Hamlin has made a report and offers negotiation for a line, by which the St. Johns shall form the eastern limit and the northern angle shall be cleared to England.

Middlesex. The number is forty-five thousand, three hundred and fifty-five; viz: 7 general staff, 45 division staff, 61 brigade staff, 1,655 cavalry, 2,217 artillery, 34,322 infantry, 4,841 light infantry, 214 riflemen. The whole number of companies is six hundred and ninety nine.

THE TREASURY OF MASSACHUSETTS. The report of the treasurer of Massachusetts shows that the receipts of the year have been \$401,313 18. The expenditures \$329,928 57. The balance at this time in the treasury is \$71,384.

MEXICAN ARMED SCHOONERS seized at New York.—The collector, we are informed, is of opinion that the capture of schooner *El Estero*, on the 20th of Dec. 1841, by the act of congress of 20th April, 1818, which it is believed does not interdict a commercial operation such as building, fitting out and arming vessels by citizens of the United States for the purpose of selling them or arming them to a foreign power. That in order to come within the statute, there must be an intent on the part of those who build, fit out, and arm vessels, to employ them, while their property, in some form or another, is fraudfully paid to a community from some foreign power.

The vessels in question will probably be allowed to sail in a few days. (Cour. and Eng.

MASSACHUSETTS. On Wednesday, Jan. 5, the two branches of the legislature convened. Thomas Knapp was elected speaker of the house and the final vote of 1841, out of 233. In the senate Josiah Quincy was chosen president.

NEW JERSEY. The legislature assembled at Trenton on the 11th and organized with John Cassady as vice president of the senate, and John Ensey as speaker of the house. A bill is before them to compel the banks to resume specie.

THE DEBT OF OHIO.—The debt of Ohio is thus stated in the report of the auditor of the state to the legislature: Permanent loans \$11,411,234 11
Loans hypothecated 1,356,000 00
Temporary loans, without 250,350 30
Surplus revenue, loaned by counties 53,000 86
Surplus revenue, loaned by auditor of state 27,800 22
Loans on mortgage, or mortgage companies 1,346,588 58
Domestic debt 551,516 00
Scrip issued to railroad and canal companies 551,516 00
Total \$16,753,354 22

The loans and interest from the sinking fund to the canal fund are not included in this amount.

RHODE ISLAND. The people of Rhode Island have adopted the new constitution—a majority of all the inhabitants over 21 years of age having voted in its favor, as well as a majority of those who have always been entitled to vote.

KENTUCKY. From a statement of the revenue for the year 1841, from the various sources of taxation is \$209,350 18. The revenue of the last year was \$273,333 46—being a difference in favor of the present year of \$124,000 72 cents—which difference results from an additional tax of five cents imposed by the last legislature. It is to be observed in the estimate that the taxable property in Kentucky during the same period had been only \$8,401,218. The total value last year was \$22,220,027. The total value for 1841 is \$26,345,474. Kentucky is now ranked among the most fertile states in the union, and there is no danger that she will relinquish the distinction. She holds to the doctrine of the binding force of contracts, whether the same be individual, state or national, and she will keep her word.

[Frankfort Commonwealth.

PENNSYLVANIA LEGISLATURE. The senate on the 5th, chose John Stroud, (whig) of Lancaster, its presiding officer. Petitions for the repudiation of the state debt were referred on the 5th by the house to a committee to report on the 12th. The senate on the 12th, resolved accordingly, and the house unanimously adopted their resolution. On the 6th, the senate without a dissenting voice confirmed it. It is in the following words.

Resolved, by the senate and house of representatives, That the faith and credit of Pennsylvania be pledged for the security of her loans, shall be kept sacred and inviolate. Individuals may be found who shrink from their accustomed integrity of character when embarrassed or overpowered; but we are sons of the Republic, we authorize us, their representatives, to declare to her creditors and to the world, that her faith and credit shall be preserved inviolate in emergency; and that the doctrine of repudiation, which is a debt contracted under law, executed judiciously or injudiciously expended, shall never, until the last moral and political tie of her government is sundered, be visited upon her honest and concurring creditors, of this and other countries.

U. S. BANK OFFICERS ARRESTED. The Philadelphia U. S. Gazette states that the Mr. Austin Montgomery appeared before recorder Vaux and made oath against Nicholas Biddle, Jos. Copperwheat, Samuel Jaudon, John Andrews, and Thomas Dunlap, charging them with a conspiracy to ruin the currency of the United States by the Bank of the United States. Mr. Vaux had the process awarded. At 3 o'clock in the afternoon Nicholas Biddle, Samuel Jaudon, and Thomas Dunlap, appeared at their counsel, and gave bail in ten thousand dollars each to appear on Thursday next, at 4 o'clock, before the recorder, who will sit for a further hearing. Messrs. Andrews and Copperwheat did not appear.

REPUDIATION. This doctrine has been formally confirmed by resolutions in the legislatures of Kentucky, Ohio, Indiana, New York and Pennsylvania. A resolution dissolving the houses of representatives in all the states prohibiting members from standing in its hall, in Virginia the line imposed upon one of their members by the house, for playing nardies was renitted.

SOUTH CAROLINA. Among the acts passed by the legislature at its late session was one to prevent emancipation of slaves. Any will or bequest, &c. to that effect will hereafter be null and void.

SHEEP HUSBANDRY. According to the best calculations there are 21,000,000 sheep in the union. This is an increase of about 5,000,000 within the last three years. These are worth at a fair calculation \$70,000,000. About one-fifth of all these are found in the single state of New York. The average price of three sheep to the acre, would require 11,000,000 acres of sheep lands, or \$12 per acre; making the amount of \$132,000,000 invested in lands.

Aggregate amount invested in sheep husbandry in the United States is:

In sheep	\$65,000,000
In land,	132,000,000
Total	\$200,000,000

The annual crop of wool is estimated at 90,000,000 lbs. and worth nearly \$40,000,000.

[Calt.
VIRGINIA LEGISLATURE. One of the opponents of the bankrupt law having moved a resolution for instructing the senators from that state in congress to vote for a repeal of that law, it was called up for action on January 7, and was refused to be considered by a vote of 65 to 65.

NILES' NATIONAL REGISTER.

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FOREIGN AFFAIRS.—Great Britain, Niger expedition; China, Jamaica, Mexico; further information of the Texan prisoners.

NATIONAL.—Appointments, Northeastern boundary. STATES OF THE UNION.—Pennsylvania Maryland, slaveholders convention; Kentucky, resolutions against repudiation.

PROTEST of officers and crew of the brig Creole. MR. ADAMS' LECTURE on the British war on China. DISSENT in CONGRESS. CHRONICLE.

The president of the senate on Monday announced the following gentlemen as members of the select committee ordered on the fiscal agency question:

Messrs. Tallmadge, (chairman), Preston, Bates, Walker, Evans, McKim, Young, White and Rives.

THE BANKRUPT ACT. It will be seen by the proceedings of the house of representatives, that a bill to repeal the bankrupt law, enacted during the extra session, and which if not repealed was to go into operation on the first of February next, has passed that house by a vote of 126 to 94. The senate is thought to be very equally divided upon the question.

THE PUBLIC DEBT of the United States, on the 1st January, 1842, according to a report of the secretary of the treasury to the senate, consisted of

Treasury notes outstanding	\$7,382,927 69
Debts of the District cities	1,440,000 00
Old funded and unfunded debt	328,581 13
Loan of July, 1841,	5,577,576 88

Total \$14,728,084 70

FOREIGN ARTICLES.

GREAT BRITAIN.

The Mediator packet ship from London and last from Plymouth, arrived on 10th at N. York, having sailed on 10th Dec.

Among the passengers in the Mediator is Mr. Giddon, our consul to Egypt.

The overland mail had arrived in London on the 5th of December. It appears that the Japanese had caused some uneasiness to the government, but that ample repressive measures were taken at Calcutta. Nothing later from China.

The young heir to the English throne had been created prince of Wales by patent.

Beaumont Smith, connected with the exchequer frauds, had been convicted and sentenced to transportation for life.

London market, Dec. 6. Consols for the account closed 88½; to ex dividend; exchequer bills, 10's to 12's premium; bank stock, 164½ to 165½; three per cents. Reduced, 98½; long annuities (excepting January 5, 1840) 127-16 to 1½; India bonds, 2 per cent.

Austrian funds.—Vienna, Nov. 27. Five per cents. 105½; four per cents. 99½; three per cents. 75; bank shares, 1469. [Allgemeine Zeitung, Dec. 1.

Trade is dull; the money and cotton markets are without any material change. To add to the general distress, there have been numerous devastating floods all over the country.

The first stone of the new Royal Exchange building is to be laid by Prince Albert on the 19th of January.

The Niger expedition. Fortsmith, Dec. 9. The Horation, Capt. Hutchinson Chapman, arrived here on Friday from St. Helena and the coast of Africa, and has brought home some of the officers who have been invalided belonging to the Niger expedition, and who had come down the river in the Sudan steamer. The accounts they bring home are up to the 1st of October, and are most deplorable. The mortality and sickness among the officers and men composing the expedition were great in the extreme, 26 had already died, and almost all were ill and unable to do duty. The expedition had reached the confluence of the Niger and the Chadha, about 270 miles up the former, but it was feared that on account of the

sickness it would not be able to go further. It was intended, however, if possible, that the Albert should go up the Niger and the Wilberforce up the Chadha. The natives were friendly enough, and the kings received the presents offered them very graciously. A tract of land was purchased near the Atah country, where a settlement was to be formed.

Paris, December 5. Every thing remains perfectly quiet in this city at present. An extensive secret conspiracy to blow up the residence of the Royal family has been detected and suppressed.

From the tone of the ministerial Journal, it is evident that there is nothing out of the interference in the affairs of Spain.

CHINA.

The Swedish brig Albion has brought advices to New York from China to the 16th September, being 20 days later than the previous accounts which were to August 27.

The Albion touched at Batavia on the 21st October, and there learned that the British fleet had taken possession of the island of Amoy. This island is situated on the eastern coast of China, in the province of Fokien, about 15 miles in circumference, with a small harbor. A strong Chinese garrison has usually been maintained upon the island.

Extract of a letter dated, Macao, September 15. We are here left in a very uncertain position. The Mandarins are unable to offer the least resistance to the foreign enemy, and their feebleness emboldens the populace, and renders our situation in Canton somewhat critical, while active hostilities are being carried on along the coast, and the people along the banks of the river are so much exasperated that they have sunk blocks of granite and put other obstructions in a branch of it used by the men-of-war and steamers. Owing to this and some other movements, the commanding officer here went up the river three days ago with his small force, and the result was the destruction of Canton; a blockade and much bloodshed.

From another letter dated, Macao, September 15. Nothing certain from the north. Chinese reports state that Amoy had been taken, and the Chinese already killed.

The British ships-of-war had gone up Canton river, and had attacked the Chinese junks engaged in obstructing the navigation. A blockade and suspension of trade expected. Teas scarce. Exchange 4 9½; little done.

From another letter, dated Macao, 5 P. M. 15th September. I have already written to you several letters by this conveyance, which I now confirm, and have just heard, I hope in time for this vessel, of Captain Nias, (the commanding officer,) having issued a proclamation in Chinese, and commenced hostilities by attacking the villages on the banks of the river near where the obstructions were sunk, and by blowing up and utterly destroying Wang Tung and the fortifications at Cow Loom. There is a rumor of his intention to surround Canton, and I should not be much surprised to hear of the city being burnt before I get away from here. This it appears, as conjectured and stated to you yesterday, that the least provocation is now made the excuse for great violence, and the result is as doubtful and the anticipation of it as much clouded by a fear of suffering to the innocent people as at any former period. This news is just as heard in a letter from Canton, where the smoke of the burning villages was seen, the ransoms heard, and the people of Canton were fleeing in all directions, whilst the reports were that many people had been killed at the villages.

The Chinese say that Amoy was captured by the British; and there is a report that news of the recapture of Cusson, without the slightest resistance, has reached Canton.

We have heard it was the intention of Capt. Nias to go to the forts on the island of Wantung, and to erect this purpose he applied to brigadier Burchell for troops; but the brigadier replied that he could not spare any; it is rumored that Captain Nias will consequently, destroy the fortifications; such are the strict orders of Admiral Sir W. Parker; either to garrison or destroy the forts at Wantung, should any pretensions on the part of the provincial government render such measures necessary.

JAMAICA.

The Mobile Register of the 10th says: We are indebted to Capt. Wilson, of the ship Jos. Porter, which

arrived on Saturday, from Kingston (Jamaica) for papers to the 31st ult.

The principal item of news, is the occurrence of disturbances among the negro population during the Christmas week, which made it necessary to call out the military in aid of the police—and to fire on the common, in such cases, the origin of the disturbances was trifling; some negro children made an unnecessary and noisy exhibition, which the police attempted to stop, when the negroes gathered in such numbers as to be bold enough to attack the police, and were driven off with difficulty. The crowds continued to increase nightly, and the ordinance police being found insufficient, the governor sent a special messenger to the assembly, requiring the aid of the militia. Quiet had not been restored when the Jos. Porter sailed. The negroes were still tumultuous, and the troops were gathering in strong force in the city to reduce them.

The discontent of the negroes sprang out of the prohibition by the authorities, of their annual masters by which a number have been killed. As the negroes were very indecent exhibitions, but very popular among the blacks.

The report heretofore brought to the United States, that the inhabitants of Kingston had objected to receiving the Creole negroes, is, as we suspected, incorrect. They were all welcomed as heroes, and sent into various parts of the island for better security. A novel notion is broached—that the British laws cover the Bahama waters; and that entry into them by American coasting vessels coming into the Gulf, *ipse facto* frees every slave that may be on board.

MEXICO.

We have been favored with a file of Mexican papers brought by the barque Eugenia, recently arrived at New York from Vera Cruz, from which we glean the following items:

The United States ship Peacock, one of the vessels of the extraordinary expedition, was lost off the mouth of the Columbia river on the 1st of July last. Her officers and crew, the chronometer, charts, &c., were all saved. It was expected that the brig Thomas H. Perkins would either be bought or chartered for the conveyance home of the crew of the Peacock.

On the 9th of October last the representatives appointed by general Santa Ana, two from each department of the republic, met and chose his president of the Mexican republic. The new president took the oath of office in the hall of the chamber of deputies, and the same evening appointed as his cabinet ministers:

Manuel Gomez Pedraza, minister of foreign relations and government.

Ciriano del Castillo, minister of justice and public instruction.

Jose Maria Tornely Mandevil, minister of war and marine.

Francisco Garcia, minister of Hacienda. [Senior Garcia declined the appointment, and soon afterwards died in the department of Zacatecas.]

General Pedraza resigned after he had been in office four or five weeks, and Jose Maria de Borneara was appointed as his successor.

Ignacio Trigueros was appointed secretary of the treasury in place of Mr. Garcia.

The provisional president had, by proclamation, evoked the constituent assembly for the 1st of June next.

The Diario del Gobierno of the 16th of October contains an official letter, dated Atlixco, 22d of September, from general Manuel Armijo, the commandant general of New Mexico, giving an account of the capture of the vanguard of the Texan expedition to Santa Fe.

The general states that intelligence of the approach of the Texan army was communicated to him by an Italian and a New Mexican, who were with the expedition, but who fled from it in advance for that purpose. That on the 17th of September the party of one hundred dragons under Col. Cook surrendered at discretion, and were deprived of their arms and clothing, which Gen. Armijo distributed among his own companions in arms. That the interpreter had been set at liberty on account of his good behavior, but that the other prisoners were on their way towards Mexico under an escort.

The same paper of the 18th of October publishes President Lamar's proclamation to the citizens of Santa Fe, one of the papers found upon the Texan prisoners. The proclamation is accompanied by a commentary from the editor of the paper, and subsequent numbers of the same journal contain the other documents found upon the Texans.

The number for the 24th of October states that president Santa Ana had directed a cross of personal distinction to be prepared at the public expense for General Armiño, with the following inscription: "In saving New Mexico the integrity of the national territory." To the chiefs, officers, and troops who partook in the capture of the Texan vanguard was also awarded the privilege of wearing upon their left arm a shield, in which, on a green ground, was to be seen a national eagle with out-stretched wings, bound with gold cords for the chiefs and officers, and with yellow silk for the other troops, the following inscription appearing on the ground of the shields of both: "Intrepidity and valor in defence of the Mexican territory."

An official letter to the secretary of war from Francisco G. Conde, commandant general of the department of Chihuahua, and at that place on the 26th of October, announces the arrival of 90 Texan prisoners there the day before, and that, for want of means to support them, they would rest there only two days, when they would be conducted to the border of the department of Durango.

Another letter to the same from the same person, dated the 5th of November, gives an account of the capture of the rest of the Texan expedition at Lake Colorado by Lieut. Col. Don Juan Andres Arebuelta, at the head of 230 men.

A report of the secretary of war, dated the 11th of November, is published, recommending a formal contest against Texas, and stating the quotas of troops which the several departments were to contribute for the purpose of recruiting the army.—*Vat. Int.*

We are informed by a friend who has letters from the city of Mexico to the 16th of December, that at that time general Santa Ana, the provisional president of the Republic, was dangerously ill of dysentery. The Texan prisoners of war were on their march to the capital. Three of them tired on the road just beyond Chihuahua, and could proceed no further; when the captain of the guard who escorted them, as soon as the fact was reported to him, had them arrested. They were all charged with barbarism, it is represented, and excited the indignation of all classes of the community, even in Mexico.

A constituent congress of the nation had been called by Santa Ana, to assemble in the city of Mexico on the 1st of June, of the present year, for the formation of a new constitution, in which the representatives of the departments (including Texas) were to be represented in the ratio of one deputy to every 70,000 inhabitants. The population of each department was stated in the decree of the president, based upon an estimate of the national institute of geography and statistics, and is made to amount, in the aggregate, to 7,044,140. The population of Texas is stated at 37,500.—*Richmond Compiler.*

NATIONAL AFFAIRS.

APPOINTMENTS BY THE PRESIDENT.

BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.
Deputy postmasters.—Leonard Bennett, at Lewiston, N. Y.; Geo. McNeir, at Annapolis, Md.; Samuel C. Andrews, at Rochester, New York; Henry Huggins, at New Haven, Connecticut; Charles C. Haddock, at Buffalo, New York.

DENMAN K. McRAE, esq. of Fayetteville, N. C. has been appointed bearer of despatches from the government to the United States minister, at Mexico, on the subject, as it is said, of the Santa Fe expedition, which was captured and butchered by the Mexicans. He is likewise bearer of despatches from the British minister to Washington.

Mr. MacRae arrived in Charleston on the 11th instant, in the steam packet Geo. Dudley, and left on the rail road on the next day, for New Orleans, where he will embark on board one of the revenue cutters at Mexico. [*New York American.*]

NORTHEAST BOUNDARY.—We learn that the commissioners for exploring and surveying the northeast boundary held a meeting in this city last week. Their operations during the past season have consisted in an accurate demarcation of the meridian line, from the place near Houlton, at the operations of major Graham were suspended last winter, to the survey of the line claimed by Messrs. Forster and Mudge on the part of Great Britain, and in an accurate examination of the height of

land from the Kennebec road to the termination of the exploring meridian line.

We regret to learn that, owing to unforeseen difficulties upon the meridian line, and the fact that the boundary claimed by the two nations is much longer than could have been inferred from any existing map, the entire survey of the disputed territory has not been completed. The lines undertaken by Messrs. Renwick and Talcott were estimated, by the best authorities extant at four hundred and twenty miles. It is now understood that their surveys already amount to six hundred miles upon the line of highlands, in addition to the surveys necessary to connect their work with known geographical points. In spite of their having performed much more than had been anticipated, parts of the boundaries claimed by both governments had not been reached at the time when the winter operations were interrupted by the setting in of winter.

It will therefore be a matter of serious consideration with the administration, and congress, when the reports of their proceedings shall have been handed in, whether the facts obtained by the commission are sufficient to refute the unfounded claims of Great Britain in the eye of foreign nations, or whether the demarcation of the meridian line must be completed, and the gaps in the line of highlands filled up by the work of another season.

We regret to learn that the presentation even of the materials necessary for the decision of this question may be delayed for the want of the necessary funds, in consequence of the appropriation having been exhausted by the increased difficulties and extent of surveys of which we have spoken.—*N. Y. Com. Ad.*

THE ARMY.

Major Richard A. Ziegler, of the U. S. army, died on the evening of Tuesday the 4th inst. at Plauters' house, in Saint Louis, Missouri, where he was in attendance as a member of a court martial.—He had been indisposed some days before his death.

WESTERN ARMY. A committee of the Tennessee legislature have reported the following points as eligible sites for a national armory within the limits of that state, viz: 1 Cloud's Shoals, in Hawkins county; 2 Stone Fort, in Coffee county; 3 Falls of the river, in Sevier county; 4 the terminus of Central rail road on Tennessee river, in Hard county; 5 Brownsport, on Tennessee river, Perry county; 6 city of Memphis, Shelby county.

FLORIDA. The St. Augustine News of Jan. 8, says: The steamer Cincinnati arrived here on Wednesday last from Pilatka, with a detachment of troops under the command of lieut. colonel B. Riley, accompanied by several other officers. The colonel and his command again left here in the steamer on Tuesday morning for New Smyrna, where they are to land, and securing the country between that place and the St. Johns, cooperate with a force under Major Plympton, which proceeded up that river to Volusia, from whence they are to enter upon an active and thorough search of the country in pursuit of the Indians.

Intelligence, which can be relied on, has been received, through a letter from an officer at or near the army head quarters, stating that there were, at the date of the letter, (30th of December), 350 Indians in at Tampa ready for emigration, and that 100 more had been seen and talked with, who, tired of the war, were daily expected there.

Major D. Wilcox, of the 5th regiment U. S. infantry, died at Pilatka, East Florida, on the morning of the 3d inst. His remains were brought round to this city on Wednesday last in the steamer Cincinnati, and deposited in the military burying ground with military and Masonic honors.

Major Wilcox had long been afflicted with a pulmonary complaint, which a vigorous physical constitution, aided by a placid and most happy mental temperament, had for years enabled him to resist; and, indeed, till recently, had given hopes to his friends;—and all who knew him were his friends;—that he might finally overcome this most fatal and insidious malady. But alas! his has been but another melancholy instance of its too surely destructive nature.

Major Wilcox was about fifty years of age, and a native of Connecticut. He entered the army from that state early in 1812, at the commencement of the three years war with Great Britain. Though of respectable family, he was a thorough soldier, and supported such as in the army, by his own example and his war for himself. But he soon found his way to distinction, and was promoted on the field for his intrepid and brave conduct at the hard-fought battle of Bridgewater, where, in the charge upon the enemy's line of attack, which was captured, was severely wounded. He participated in 1813 in the Niagara frontier, with uniform credit, in all the ar-

duous and well fought battles that made memorable and glorious to the American arms the fearful and bloody campaign of that year. He remained in the army from that time till his death, without reproach and with character and conduct alike unimpeachable and unimpeachable. He was an honest, unassuming man; a kind hearted and mild gentleman; an humble and pious Christian, and a brave and patriotic soldier.

THE NAVY.

EXPLORING EXPEDITION.—The New York Journal of Commerce announces the loss of the *Peacelock*, in Columbia river, Oregon Territory. No lives lost—nothing saved except the instruments.

Extract of a letter from lieutenant J. T. McLaughlin, commanding the Florida expedition, to the secretary of the navy, dated

"Key Biscayne, December 23, 1841.

"I am happy to say the health of the command is improving. The sick list has decreased very much, although we have had five deaths within the month; and among them we have been called upon to lament Midshipman Niles, a most promising young officer whose ripening talent was developing the promise of great future usefulness. He died and was buried with military honors at Fort Simons on the Carlossabatchie, having received from the officers at that post every comfort and attention which the kindest feelings could suggest."

STATES OF THE UNION.

PENNSYLVANIA.

REPRISAL. Resolutions have passed unanimously by both houses of the legislature condemning the doctrine of reprisal.

The resolutions adopted in the senate were as follows:

"Resolved, That the senate reject the doctrine of repudiating the state debts, as unconstitutional, immoral, and subversive of the fundamental principles of our republican system of government; and that they will maintain the credit of the state unsullied, by making adequate provision to meet all her engagements with promptness and punctuality.

"Resolved, That we entertain the fullest confidence in the citizens of this commonwealth, that they will faithfully and honestly discharge all the liabilities of the government, and that they will preserve the credit of the state inviolate and inviolable.

The resolutions adopted in the house were as follows:

"Resolved, That the state stock issued by virtue of the laws of this commonwealth is constitutionally correct; and that the citizens of the state are legally and morally bound to pay and redeem the same.

"Resolved, That the faith and credit of the state do remain as heretofore unbroken, and that the property of the citizens, and the rights of the subject of taxation for the full and entire payment of all the just demands on the treasury thereof.

"Resolved, That the doctrine of repudiation of the liabilities of this commonwealth is obnoxious in its tendencies, and calculated to be destructive of the free principles on which the government is based, and that every good citizen is bound by moral as well as legal considerations, to cheerfully contribute his share towards the liquidation of the state debt."

GOVERNOR. On the 18th David R. Porter delivered his inaugural address on entering upon his second and last constitutional term as governor of the state.

STATE TREASURER. The members of both houses met on the 17th, and proceeded to ballot for state treasurer.

On the second ballot, Job Man, of Bedford county, received 77 votes. William B. Anderson, of Perry county 48. Scattering 4.

Job Man was then declared duly elected.

MARYLAND.

THE SLAVEHOLDERS CONVENTION, which assembled at Annapolis on Wednesday the 12th, adjourned sine die on Friday evening the 14th, and have recommended to the legislature the following regulations in respect to the colored population.

Proposition 1st. A law to prevent all manumissions by last will. Also by deed, to take effect in future.

Prop. 2d. To prevent manumissions except upon condition of instant transportation to some place out of the United States, and that, at the expense of the manumitter.

Prop. 3d. To prevent any free negro leaving the state, or to return to it unless he leaves as a servant of a white resident of the state and returns with him.

and such resident shall first file a declaration in the county clerk's office of his intention to take such servant with him; or unless he leave the state for the purpose of visiting some one or other of the American colonies on the coast of Africa.

Prop. 4th. To prevent all free negroes from coming into the state, except as servants of persons traveling in or through the state.

Prop. 5th. To prevent the transportation of any free negro by rail roads, steam boats or other common carriers out of the state unless vouchered for as free by some person known to the conductor of the rail road, or captain of the steam boat, and no rail road or steam boat company shall be liable for refusing to transport any free negro unless he be vouchered for as above; and any person falsely vouching for the freedom of a slave, to be liable to punishment. The company still to be liable for conveying away a slave as heretofore.

Prop. 6th. To offer a high reward, to be paid by the state, for the arrest and conviction of any person who aids a slave to run away, or induces, or attempts to induce a slave to run away.

Prop. 7th. That the owner of a runaway slave shall pay a reward for the apprehension of such slave; to be graduated by the distance from home where he was caught.

Prop. 8th. That it be recommended to the general assembly that they pass a law directing the courts of justice of this state, that whenever any free black shall be convicted of any offence, the punishment of which by the law as it now stands would be confined to the penitentiary, that they shall the duty of the court to order the convicted party to be sold out of the state for the period that they in their discretion might confine him in the penitentiary; and that if any free person or persons of color be convicted of any misdemeanor or misdemeanors, other than those which subject the party convicted to confinement in the penitentiary, that then the convicted party shall be punished by sale or banishment, in the discretion of the court, out of the state of Maryland, for a period not less than six months nor more than years; with a provision, that after the period of banishment or sale has expired, the said negroes shall not be permitted to return to this state, and that in case of death, no such negroes shall be allowed to be sold as slaves for life beyond the limits of the state.

Prop. 9th. So much of the act of 1831 as allows a manumitted negro (with a certificate) to remain in the state, to be repealed.

Prop. 10th. No free negro to have in his possession any gun, pistol, or other offensive weapon.

Prop. 11th. That the judges of the county and city court of Baltimore, appoint bailiffs monthly to attend the arrival and departure of every rail road car, and steamboat or other public vehicle of transportation to carry these laws into effect, and to compensate them by a portion of the penalty imposed.

Prop. 12th. That all free negroes shall be obliged to register themselves on or before the 15th of July next, and every twelve months thereafter, in the office of the clerk of the county, when they shall surrender their old certificates and the clerk upon request and being satisfied that any free negro thus registered desires to remove into the country, either temporarily or permanently, shall furnish him with a certificate of his registration, and if said negro shall remove permanently he shall file said certificate within ten days after his arrival in the county to which he may remove and if his absence shall be temporary he shall return said certificate to the clerk from whom he was within ten days after his return. A certificate of freedom of an older date shall be good, and the clerk shall annually publish a list of those registered in some convenient newspaper and send a printed copy to the secretary of state.

Prop. 13th. That the state pay the expense of any suits which may arise in any state where the state law may conflict with the act of congress of 1793, to test the constitutionality of such law.

Prop. 14th. To avoid all sales of girls hereafter to be made of slaves to free negroes and mulattoes, the slave so sold or given, to be liable to be sold out of the state, and the master so selling, punishable by fine in the discretion of the court.

Prop. 15th. That an additional provision be made to the act of 1835 ch. 325, to make it prima facie evidence of circulating such papers as are mentioned in the act of 1835, ch. 325, that the same have been found in the possession of any one within the state.

Prop. 16th. That every free negro shall give responsible security annually for his or her good behavior, and such security be not given such negro so failing, to be brought before some justice of the peace by a constable or any other person who shall cause him to be hired out, and out of his accruing wages pay the constable or person \$10, and in case said negro thus hired out shall abscond from service, upon his apprehension he shall be sold out of the state.

Prop. 17th. An act to render penal the omission of sheriffs, magistrates and constables to enforce all laws respecting free negroes and slaves, and every constable before he proceed to act shall take an oath well and faithfully to execute all the laws of the state.

Prop. 18th. Free negroes with real estate to have it sold at their death and the proceeds to be distributed to their legal representatives and hereafter no free negro to be allowed to hold real estate or leasehold interest which shall have longer than a year to run.

Prop. 19th. That all free negroes who have been bound out within the last two years shall be free, by paying to the master, such sum as the orphan's court shall adjudge, and that it shall be the duty of the orphan's court of the several counties in the state and city of Baltimore, from and after the first of January, 1842, to bind out at the age of 8 years, the children of all free negroes then in the state, to serve until they arrive at the age of 21 years for males, and 18 for females. The master shall give security to be approved by the orphan's court to pay to the child when it arrives at the ages of 21 and 18 the sum of \$75 for males, and \$25 for females, provided, the said child shall leave the state or if previous to the child's arriving at the age of 21 or 18 as the case may be, it shall leave the state, or the parents shall remove out of the state, then the master shall give up such child, and if it has served more than 8 years the master shall pay to the child or its parents, such sum as the orphan's court shall determine.

Prop. 20th. That no meeting of negroes for any purpose shall be permitted after sunset, and all laws inconsistent with [this] provision to be repealed.

Prop. 21st. That if any free negro who may have a license from any Christian denomination, either to preach or exhort, shall hold or attend any meeting prohibited by law, he shall for the first offence be fined five dollars, and imprisonment, and for the second offence shall be sold out of the state.

Prop. 22d. Any retail dealer who shall sell or give to any negro, slave or free, or the agent of any such negro, any spirituous liquor or wine, or shall otherwise directly or indirectly furnish intoxicating drink to or for a negro, to be liable to a fine of \$100, one-half to be paid to the informer.

Prop. 23d. To repeal the provisions of the act of 1825, ch. 15, as far as inconsistent with this provision.

Any person or persons who shall persuade or entice, aid or assist, a slave to runaway from his master, owner or employer, and any person or persons who shall harbor or conceal a slave or slaves knowing him or them to be runaways, and the fact of his or their being on the premises owned, rented or occupied by a free negro or negroes, shall be prima facie evidence of such knowledge, shall be liable to be indicted and upon conviction, shall, if white, undergo a confinement in the penitentiary for a period not less than five years, and if said person shall be a free negro and a convict of the same crime, he shall be sold out of the state, and the whole of the proceeds of such sale go to the informer, who shall be a competent witness in an action against such negro or negroes, and if such negro be a slave for life or a term of years, he shall upon conviction be sold out of the state, and his full value be paid to the owner.

Prop. 24th. To repeal that part of the second section of the act of 1833, ch. 224, "entitled an act relating to persons of color who are to be free after a term of years" which says "that the party applying for such grant has distinctly and particularly notified the clerk of the county of the contents of this law, and that this information has failed to correct his or her habits, before they proceed to issue any such grant of authority."

Prop. 25th. That each and every hawk and pedlar shall be made to pay at the rate of the sum of two hundred dollars a year for a license to trade as such.

Resolved, That a committee of five members of the convention be appointed by the chair, to prepare a memorial to the legislature in the foregoing propositions.

Whereupon the chair appointed the following gentlemen to compose said committee, viz: John B. Howard, Charles C. Pitts, Joseph M. Palmer, Tench Tilghman and P. F. Thomas, esqrs.

KENTUCKY.

The senate of Kentucky has unanimously adopted the following resolutions:

Resolved, That the general assembly of the Commonwealth of Kentucky, that it is the high and sacred duty of a sovereign state to observe the obligations of good faith in all her engagements, not only with her own citizens, but equally and alike with those of other states and countries.

2. Resolved, That the desperate expedient of throwing off state obligations in any case, by failing to provide as far as possible, for the prompt payment of public debts and liabilities, contracted under the authority of law, is abhorrent both to the government and the people of this commonwealth, and can never directly or indirectly, receive the countenance of either; that such conduct would be unworthy the enlightened age in which we live, shocking to the sense of justice, and a gross reproach to the republicanism of our government and to the honor of the American name.

3. Resolved, That copies of the foregoing preamble and resolutions be transmitted by the governor to the president of the U. States, the executives of the several states, and our senators and representatives in congress."

OHIO.

Matthew Birchard, late solicitor of the treasury of the United States, was elected on Saturday last by the legislature of Ohio to fill the office of judge of the supreme court of that state, in place of Peter Hitchcock, whose term of office had expired.

FLORIDA.

Tallahassee, Jan. 7. LEGISLATIVE COUNCIL. On Tuesday the session organized by the election of the hon. W. H. Breckenbrugh, president, and the house organized on Wednesday, Nathaniel W. Walker, esp. speaker.

The steamer Isis was burnt at Tampa on the 6th inst., having just returned from Gadsden point lighting a vessel. She accidentally caught fire and was entirely consumed.

THE CREOLE.

PROTEST.

Of the officers and crew of the American brig Creole, bound from Richmond to New Orleans, whose cargo of slaves mutilated on the 7th of Nov. 1842, off the Hole in the Wall—murdered a passenger, wounded the captain and others, and put into New Orleans, N. P., where the authorities confined nineteen of the waiters, and forcibly liberated nearly all the slaves.

By this public instrument of protest it is known that, on this second day of December, eighteen hundred and forty-one, before the *William Young Lewis*, notary public, residing in the city of New Orleans, duly commissioned and sworn:

Personally came and appeared Zephaniah C. Gifford, acting master of the American brig called the *Creole*, of Richmond, who declared that the said vessel sailed from the port of Norfolk in the last part of Virginia, on the seventh day of October last past, laden with manufactured tobacco in boxes, and slaves, then under the command of captain Robert Esau, bound for the port of New Orleans in the state of Louisiana.

That when about 130 miles to the north north east of the Hole in the Wall, the slaves, or a part thereof on board of said vessel, rose on the officers, crew and passengers, and commenced a riot, whereupon the captain, this appellant, and part of the crew, were compelled said appearer, then first mate, to navigate said vessel to Nassau in the island of New Providence, where she arrived, and a portion of the ringleaders of said insurrection were confined in prison, and the remainder of said slaves fled to the British authorities on said island, and required the aid of the British authorities to make record of the same, intending more at leisure to detail particulars:

And this day again appeared the said acting master, together with Lucius Stevens, acting mate; William Devereux, cook and steward; Henry Speck, John Silvey, Jacques Leconte, Francis Foxwell, and Blair Courte, seamen, all of the said vessel, and belonging to said vessel, who being severally sworn according to law, to declare the truth, did depose and say—

That when said vessel started as aforesaid, she was tight and strong, well manned, and provided in every respect and equipped for carrying slaves:

That said vessel left Richmond on the 25th day of October, 1841, with about 102 slaves on board;

That about 90 of said slaves were shipped on board on the 26th day of the month, of which 41 were shipped by Robert Lumpkin, about 30 by John H. B. and 9 by Nathaniel Matthews, and one by W. Robinson; that from that time about one or two per day were put on board by John R. Howell, until the said 25th day of October, so as to make the number 102.

The brig then proceeded to Hampton Roads and lay there one day, when about eight were put on board by Mr. W. H. Hall for Mr. Hatch, 2 by Mr. C. H. Shield, and 23 for Mr. Johnson, making the whole in number of 135 slaves.

The men and women slaves were divided. The men were all placed in the forward hold of the brig, except old Lewis and servant of Mr. Thomas McCarr-

The nineteen said that all they had done was for their freedom. They all showed signs of being free. They were much afraid of the nineteen. They remained forward of the mainmast. The nineteen took possession of the after part of the brig, and stayed there the whole time or were on watch. Some of the nineteen were hugging the female servants in the cabin, and one of them said he had picked out one of them for his wife. The nineteen and the other nineteen meddled at all with the women slaves.

The only knives found after the affray, were two sheath knives belonging to the sailors. The captain's bowie knife and the jack knife. None of the other negroes had any other knives. Madison sometimes had a bowie knife, and he showed it to the other negroes so as to show with that knife. On Monday afternoon Madison got the pistol from one of the nineteen, and said he did not wish them to have any arms when they reached Nassau. The nineteen paraded the deck armed, while the other negroes behaved precisely as they had done before the mutiny. About 10 o'clock, P. M. on the 24th of November, 1841, they made the light of Abaco. Ben, Madison, and Gifford alternately kept watch. Ben, Madison, Rutlin and Morris kept watch by turns, the whole time up to the arrival of the American consul. So close was the watch, that it was impossible to rescue the brig. Neither passengers, officers or sailors were allowed to communicate with each other. The sailors performed their usual duties.

The pilot who came on board as the brig approached Nassau, and all his men in the pilot boat were negroes. The pilot was acting under the legal authority of the island. He and his men, on coming on board, mingled with the slaves and told them they were free men, that they should go on shore and need not be carried away from there. One of the pilot's men told one of the female slaves, that he should clear her for his wife.

The regular quarantine officer came alongside, and Gifford went on shore in his boat. He conducted Gifford to the American consul, who accompanied him to the governor of New Providence and all the other Bahama Islands. Gifford then related to the governor all that he had said, and the governor sent Richard to that port. The American consul, in behalf of said vessel and all interested, requested of the governor that he should send a guard on board to protect the vessel and cargo, and keep the slaves on board till such time as they could know what they could do. The governor did so, and sent a guard of four negroes, and four sailors, and four bayonets, in British uniform, commanded by a white officer, who took possession of the vessel and all the slaves.

From Tuesday the 10th, till Friday, the 13th day of Nov. they tied Ben Blacksmith, Addison, Rufin and Morris, put them in the stocks, and placed a sentry over them, and told them there. They mingled with the negroes and told the women they were free, and persuaded them to remain in the Island.

Capt. Fitzgerald, commanding the company told many of the slaves owned by Thomas McGargo, in presence of many other of the slaves, how foolish they were, that they had not, when they were, killed all the whites on board and run the vessel ashore, and then they would have been free, and there would have been no more trouble about it. This was on Wednesday.

Every day, the officers and soldiers were changed at Black, A. M. There were 50 regular soldiers on the island, divided into four equal companies, commanded by four officers called captains. There was a regular sentry stationed every night, and they placed all the men slaves except the four which were tied, and placed a guard over the hatchway. They put them in the hold at sun set to let them out at sun rise.

There were apparently from twelve to thirteen thousand negroes in the town of Nassau and vicinity, and about three or four thousand whites.

On Wednesday, the 10th of November, about 9 o'clock, A. M. three civil magistrates of the island came on board and commenced examining all the white persons. They completed the examination on the Friday following. When the attorney general came on board with three magistrates, and the depositions were signed. The American consul was present the first two days. The magistrates were accompanied by a clerk. The attorney general on Friday placed the 19 nutmeins in the custody of the captain and his guard, and ordered them upon the quarter deck. There were about fifty slaves lying round the brig all filled with men from the shore armed with clubs, and subject to the order of the attorney general, and awaiting a signal from one of the civil magistrates; a sloop was towed from the shore by one of our boats and anchored near the brig—this sloop was also filled

with men armed with clubs; all the men in the boats with arms. The fleet of boats was under the immediate command of the pilot who piloted the brig into the harbor. This pilot party before the signal was given by one of the magistrates, said, that he wished they would get through the business; that they had their time and he wanted his.

The attorney general here stepped on the quarter-deck, and addressing himself to all the persons except the nineteen who were in custody, said, "my friends, you have been detained a short time on board the Creole for the purpose of ascertaining the individuals who were concerned in this mutiny and murder. They have been identified and will be detained, and are addressing himself to the nineteen on shore and wherever you please." Then addressing the prisoners he said: "Men there are nineteen of you who have been identified as having been engaged in the murder of Mr. Hewell and in an attempt to kill the captain and others. You will be detained lodged in prison for a time, in order that we may compare them with the English government and ascertain whether your trial shall take place here or elsewhere." At this time Mr. Gifford the mate of the vessel, then in command, the captain being on shore, under the care of a physician addressed the attorney general in the presence of the magistrates, protested against the boats being permitted to come alongside of the vessel, or that the negroes other than the nutmeins should be put on shore. The attorney general replied that Mr. Gifford had better make no objection, but let them go quietly on shore, for if he did, there might be bloodshed. At this moment one of the magistrates ordered Mr. Merritt, Mr. McGargo, and the other passengers to look to their money and effects as he apprehended that the cabin of the Creole would be sacked and robbed.

The attorney general, with one of the magistrates, stepped into his boat and withdrew into the stream, a short distance from the brig when they stopped. When the boats were permitted to come alongside of the boats to approach instantly. With a hurrah and a shout, a fleet of boats came alongside of the brig and the magistrates directed the men to remain on board of their own boats, and commanded the slaves to leave the brig, and go on board the boats. They landed his orders, and on board the Creole, into the boats, and the boats, many of them, by this magistrate. During this proceeding, the soldiers and officers were on the quarter deck of the Creole, armed with loaded muskets and bayonets fixed, and the attorney general with one of the magistrates in his boat, lay at a convenient distance, looking on. After the boats were permitted to come alongside of the general and magistrate pushed out their boat, and mingled with the fleet, congratulating the slaves on their escape, and shaking hands with them. Three clerks were then given, and the boats went to the shore where thousands were waiting to receive them. When the boats were landed, and all the slaves except the 19 landed, a barge was sent from the bark to the Creole, to take on shore the 19 prisoners and the guard which had been left over them. They were taken on shore to the barracks, and the 19 carried thence to prison. One of them died the day after he had been put in prison in consequence of wounds received in the affray.

During the investigation carried on by the magistrates on board the Creole, and on the evening of the same day on which the slaves and prisoners were landed, the nutmeins were arraigned and identified by the witnesses.

Many of the negroes, who were emancipated expressly by the laws of New Orleans on the Creole, but were deterred from it, by means of threats which were made to sink the vessel, if she attempted to carry them away. Three women, one girl and a boy concealed themselves on board the Creole, and were brought to New Orleans. Many of the male and female all the foreign slaves who came to New Orleans, had it not been for the command of the magistrates and interference as before stated.

On Monday following these events, being the 15th day of November, the attorney general wrote a letter to Captain Ensor informing him that the passengers of the Creole, as he called the slaves, had applied to him for assistance in obtaining their baggage which was still on board the brig, and that he should assist them on getting it on shore. To this letter, Gifford, the officer in command of the vessels, replied that there was no baggage on board belonging to the slaves that he was aware of, as he considered their cargo and the property of the slaves. When the boats were left to go on board the brig, it was the property also of their masters; and besides he could not land any thing without a permit from the custom house, and an order from the American consul. The attorney general immediately got a permit from the custom house, but no order from the

American consul, and put an officer of the customs on board the brig, and the delivery of the baggage of the slaves aforesaid, and the landing of the brig's boat. The master of the Creole, not feeling himself at liberty to refuse, permitted the officer with his men to come on board and take such baggage and property as they chose to consider as belonging to the slaves. They went into the hold of the vessel and took out the wearing apparel, the sheets, and other articles, as also one bale of blankets, belonging to Mr. Lockett, which had not been opened. These things were put on board of the boat of the officer of the customs, and carried on shore.

The correspondence which took place between the attorney general and master of the brig is in possession of the American consul at Nassau.

On the next day, Tuesday, Captain Ensor proposed to sell a portion of provisions, in order to pay his expenses while lying at Nassau, having more than enough for the remainder of the voyage. He refused to allow the provisions consisting of several barrels of meat and navy bread to be entered unless the slaves which had been emancipated should likewise be entered as passengers. The master of the brig refused to accede to this condition.

The next day, after the landing of the slaves, the officers of the government of New Providence caused to be advertised a vessel for Jamaica to take out passengers to that Island, (passage paid). A number of the slaves of the Creole entered their names. It was generally said by persons, white and black, that the object of the advertisement was to allow the provisions consisting of several barrels of meat and navy bread to be entered unless the slaves which had been emancipated should likewise be entered as passengers. The master of the brig refused to accede to this condition.

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The officers and crew of the Louisa and the Congress and the American consul were warmly interested in its success.

Indian Key is about four hundred miles from Nassau.

The nineteen negroes had thrown overboard and burnt all their weapons before they arrived at Nassau, and the aid thus offered of American sailors and arms was amply sufficient for the arrangement and supply of the Creole on her voyage. If there had been interference on the part of the legal authorities of Nassau, the slaves might all have been safely brought to New Orleans. It was that interference which prevented aid from being rendered in Nassau, and caused the loss of the slaves to their owners.

On the same day, on which the slaves were liberated, and before the attorney general and the magistrates came on board, the American consul and the captain had another interview with the governor. The consul stated that they wanted time to write to Pedian Key on the Florida to come and protect the war of the United States to come and protect the

brig and cargo on her voyage, and a guard was wanted to protect the said brig and cargo in the mean time. The governor refused to grant one for that purpose. The consul then proposed to get the crews of the American vessels then in the port of Nassau, and place them on the brig to carry her to New Orleans, and asked the governor to station a guard on board, till the American sailors could be collected, but he refused.

A proposition was then finally made to the governor, that the American men then in port and in American vessels should go on board the Creole and be furnished with arms by the governor to defend the vessel and her cargo, (except the 19 slaves) and there also the governor refused.

On the 15th, the consul on behalf of the master of the brig Creole and all interested, proposed to the governor to permit the 19 men to be sent to the United States on board the Creole for trial, and this too was refused.

Two half boxes tobacco marked [L. Bars] were broken up and destroyed by the negroes, and about 6 or 7 barrels lying on the deck of the brig were thrown overboard to make room for them to walk the deck, the contents of which barrel they did not know.

On the 19th of November, the said brig sailed from Nassau, bound for the port of New Orleans, leaving captain Ensor at said port, unable to proceed on the voyage in consequence of the severity of his wounds—and nothing material occurred, during the passage aforesaid, until the 1st day of December, 11 o'clock, P. M. when they made the South West Pass bearing north by west, distant about twelve miles. At 7 o'clock, A. M. took a pilot on board, and crossed the bar of the said Pass, in tow of the steamboat Shark, discharged the pilot, and proceeded up the river for the port of New Orleans, where they arrived on the 2d day of said month, when the necessary surveys were called and they commenced discharging cargo, and thereupon the said appraisers, and especially the said acting master, did protest, and with their notary at their request, do most solemnly and publicly protest against the winds and the waves and the dangers of the sea generally, but more especially against the insurrection of the 19 slaves. Herein particularly named, and the illegalization of the British authority at Nassau, in regard to the remainder of the slaves on board said vessel, as the cause of all the loss and damage in the premises, and that no fault, negligence or mismanagement, is or ought to be ascribed to the said appraisers, or any part of the brig's company.

They then protested at New Orleans, this 7th day of December, 1841, the protesters bearing signing their respective names with said notary.

[Signed] ZEPHANIAH C. GIFFORD,
HENRY SPECK,
BLAIR CUTTISH,
JOHN W. SILEY,
FRANCIS FOXWELL.

Mr. Merritt and Mr. Theoph. McCargo have certified on the original of this protest to the truth of the above.

LECTURE ON THE WAR WITH CHINA.

DELIVERED BEFORE THE MASSACHUSETTS HISTORICAL SOCIETY.

By the hon. John Quincy Adams.

The existing state of the relations between the kingdom of Great Britain and Ireland, and the empire of China, opens up discussion questions of deep interest to the whole human race, and of pre-eminent interest to the people of the North American union.

Great Britain and China are at war. The questions which immediately rise for consideration, in this conflict between two of the mightiest nations of the globe, are—

1. Which of the two parties to the contest has the righteous cause?

2. What are the prospects of its progress and termination?

3. How the interests of other nations, and particularly of the United States, are already, or are likely to be hereafter, affected by it?

4. What are the duties of the government and people of the United States resulting from it?

For the solution of the first of these questions, we must resort to a statement of the facts in which the controversy originated, and for a candid application to those facts, of the laws of nature and of nations. But before entering upon the enquiry, it may be proper to remark that an eminent French writer upon the subject of international law, has contended that there can be no such thing, and he makes it a subject of grave and serious charge against the English law itself, that it applies the word law to the obligations incumbent upon nations. His argu-

ment is that law is a rule of conduct prescribed by a superior—a legislator, that is, an act of government, deriving its force from sovereign authority and binding only upon the subject. That nations being independent, acknowledge no superior and have no common sovereign from whom they receive the law. That all the relative duties between nations result from right and wrong, from conventions or compact, and from usage or custom, to neither of which can the term law be properly applied. That this system of rules had been called by the Romans the *jus gentium*, and in all the languages of modern Europe, the right of nations, or the right of gentes, the law of nations. Upon the rigorous analysis of the meaning of words it must be admitted that there is much force in this objection. Law and right, we know but too well by the experience of mankind, in all ages, including our own, are not convertible terms. Law, necessarily implies compulsion on one part, and obedience on the other. Right is the right of the creator to man, at once the charter of his own freedom, and the law of his reverence for the same right of his fellow creature. Man. In this sense right and law are convertible terms—but the law is the law of God, and the right is the right of man.

Then, to the writer to whom I now allude, that the nations speaking the English language, by the use of this word law, to express the rules of intercourse between nations, have habituated themselves to confound it with the municipal law of their own realm; and to infer that the same legislative authority which is competent to make the laws of the land for them, is equally competent to prescribe laws for all the nations of the earth.

How far this reproach of a French writer upon the freedom of the seas, (Rayneval), is justified by the facts which he alleges in its support, is not now my purpose, nor have we time to enquire. It believes that the law of nations, or the law of gentes, is now the mother tongue, not of one, but of many nations, and that whatever portion of them believe that the fountain of all human legislation is the omnipotence of the British parliament, we, as one of those nations, acknowledge no such supremacy. We think, with the great jurists of our mother country, that the law of nations is the law of God, and the language of speech rather too bold, and the first declaration of the act of our existence as a separate nation, was, self-evident, inalienable rights of all men by the laws of nature and of nature's God. This is the only omnipotence to which we bow the knee, as the only source, direct or indirect, of human legislation. This is the law of nations, and it identifies with it the rights of men associated in independent communities.

The practical organization of our social system is not altogether consistent with our theory of the law of nature and of nature's God, which has given to all men the inalienable right to liberty. The existence of slavery is inconsistent with the law of nature.

But we speak the English language, and what the men of other tongues call the rights of nations, we call the laws of nations. What, then, are the laws of nations, by the rules of which the right and wrong of the present contest between Great Britain and China are to be ascertained? And here we are to remember that the laws of nations are not a code, but not one code of laws, binding alike upon all the nations of the earth, but a system of rules, varying according to the character and condition of the parties concerned. The general law of nations is derived from four distinct sources, denominated by Vattel the necessary, voluntary, conventional, and customary laws of nations. The necessary law is the application of the laws of nature to the intercourse between independent communities, and this itself can be enforced only between nations who recognize the principle that the state is a state of peace. It is a religious principle of the Mahometan nations, that it is their duty to propagate their religion, and to conquer by their cruel, absurd and unnatural principle, was inscribed on the holy banners of the meek and lowly Jesus. The vision of Constantine himself, who seated christianity upon the throne of the Caesars—the vision by which he pretended to have been converted to the faith of the blessed gospel, falsified all its commands, and overthrew its precepts.

The cross of Christ was exhibited before his eyes, and the words inscribed upon it were, "thy this conquer"—conquer—persecute—enslave—destroy—kindle the fires of the holy heremauds, burn the heretics at the stake—tear his nerves to atoms by the rack, lash him with whips, pluck out his eyes, and slap them in his face—all for the salvation of his soul—by this conquer!

By the laws of nations, between the communities, subscribers to this creed, the bishop of Rome, the self-styled servant of servants, by the seal of the fisherman's ring, was for many ages invested with authority to distribute all the kingdoms of the earth,

out of the pale of Christianity, to whomsoever he pleased. And accordingly, in January, 1445, his holiness, Nicholas V. did, of his own proper motion, without petition from any one, by his mere liberality and certain knowledge, after full deliberation, and in the plenitude of his apostolic power, give, grant and convey the whole kingdom of Guiana, and its negro inhabitants, to Alphonso, king of Portugal, and his son, the infante Don Henry, and their heirs and successors forever—and forty years after, in 1493, Alexander VI. the Nero of the papal tiara, the year after the discovery by Christopher Columbus, of the western hemisphere, did in like manner give and grant the same hemisphere to Ferdinand and Isabella of Spain. This was about twenty-five years before the publication of the thirty-five Theses of Martin Luther at the university of Wittenberg. That was the law of nations, between Christian communities of that day. Since the subsequent reformation, the power of the Pope to distribute kingdoms at his pleasure, is hardly an article of the law of nations, even among catholic communities. Yet even now there is a law of nations between Roman Catholics, strictly confined to them, and which is of no validity for any other portion of the human race.

Then, to the writer to whom I now allude, that the nations speaking the English language, by the use of this word law, to express the rules of intercourse between nations, have habituated themselves to confound it with the municipal law of their own realm; and to infer that the same legislative authority which is competent to make the laws of the land for them, is equally competent to prescribe laws for all the nations of the earth.

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With the emperor's answer to the letter of his Britannic majesty, *forwvell* presents for him, for the ambassador and for every person of his suite, were sent to the hotel. Lord Macartney was extremely reluctant at coming to the conclusion that his embassy was at an end, and that he had nothing to do but to ask permission to depart and return to his own country. The king had tried and return to his own country. The king had tried and return to his own country. The king had tried and return to his own country.

and his Tartar courtesy, he just at this time received advice of the war which the national convention had declared against the king of Great Britain, and the Stadtholder of the Netherlands, and he comforted himself with the anticipation that by returning home immediately in the Lion, the ship which he had conveyed to China, he might at the same time perform the service of conveying in safety the East India company's fleet of merchantmen then bound to Europe.

This ship, however, which had landed him at the mouth of the Pihlo river, within three days journey of Peking, had already been ordered to the island of Chusan, and was returning to Canton. The distance from that city to Peking is from twelve to fourteen hundred miles, the whole of which Lord Macartney and his whole embassy were transported by inland river and canal navigation, at the cost of his imperial majesty, in the custody of a succession of Mandarin, civil and military of the very highest dignity—every where treated with distinguished honors, occasionally buffeted with humiliating insults, and never suffered to stay a single mile from the river or canal upon which they were boated, into the country through which they were passing; or to take with them one of his abundant retinue, in which they were conducted. They were nearly three months in the performance of this inland safe conduct; and at the expiration of his voyage and embassy Lord Macartney knew about as much of the condition of the interior of China as he had, during the two years of his abode in Canton; besides, in Pail Mall or Peking, within a stone's throw of the palace of St. James.

This embassy, however, appears to have been treated with more respect than any other from an European government during the two centuries of the reign of the Ta-Tsing or Manchu Tartar empire, and the narrative of George Staunton distinctly and positively affirms, that Lord Macartney was admitted to the presence of the emperor Kien-Long, and presented to him his credentials without performing the prostration of the Ko-Tou, the Chinese act of homage from the vassal of the sovereign lord. Ceremonies between superiors and inferiors are the portion of all nations. Nearly twenty-five years after the repulse of Lord Macartney, in 1816, another splendid embassy was despatched by the British government, in the person of Lord Amherst, who was much more rudely dismissed, without even being admitted to the presence of the emperor, or permitted to land in China. A second embassy was sent shortly after the failure of that of Lord Macartney, farred no better, although the ambassador submitted with a good grace to the prostration of the Ko-Tou. A philosophical republican may smile at the distinction by which a British nobleman saw no objection to delivering his credentials to the emperor, but could not bring his stomach to the attitude of entire prostration. In the discussion which arose between Lord Amherst and the celestial, on this question, the Chinese, to a man, insisted inflexibly that Lord Macartney had performed the Ko-Tou, and Kien-Long the successor of Kien-Long, who had been present at the reception of Lord Macartney, personally pledged himself that he had seen his lordship in that attitude. Against the testimony to the fact of the imperial witness in person, it may well be conjectured how impossible it was for the British noble to maintain his position, which was, after all, of small moment. The bent knee, no less than the full prostration to the ground, is a symbol of homage from an inferior to a superior, and if not equally humiliating to the performer, it is only because he has been made familiar by practice with one and not with the other. In Europe the bended knee is exclusively appropriated to the sovereign and his subjects, and no representative of any prince in Christendom ever bends the knee in presenting his credentials to another.

But the personal prostration of the ambassador before the emperor, was in the Chinese principles of exactions, symbolical not only of the acknowledgment of subjection, but of the fundamental law of the empire, prohibiting all civil and military interchange of equality between the government of China and the government of any other nation. All are included under the denomination of outside barbarians, and the commercial intercourse with the maritime or navigating nations is maintained through the exclusive monopoly of the Hong merchants.

It has been seen, that the British government and its agents had accommodated themselves to this self-asserting system of the Chinese. It was by establishing a monopoly on their part adapted to the monopoly of the Chinese system. The exclusive right of trading with China was granted to the East India company, and all the British subjects, except those with which celestial empire was transacted by means of commissioned supercargoes, appointed by these mer-

chant princes, without diplomatic character, and without direct intercourse with any officer of the Chinese government.

But on the expiration and removal of the East India company's charter in 1833, the exclusive right of trading with China was discontinued, and thenceforth the quasi-political intercourse between the two nations, transacted by mere commercial agents of the East India company, ceased, and in the third and fourth year of the reign of William the IV. an act of parliament was made and passed, "to regulate the trade to China and from India."

In pursuance of the powers conferred upon the crown by this act, the sailor-king issued three orders in council. 1.—Constituting and appointing William John Lord Napier, William Chicheley, and John Francis Davis, "superintendents of the trade of British subjects in China," with an order for the government of British subjects within the Chinese dominions. 2.—Creating a court of justice for the purposes therein mentioned. 3.—Imposing duties on the ships and goods of British subjects trading to China, for the purposes therein mentioned, that is, of defraying the expenses of the establishment. The order for the imposition of duties was afterwards rescinded, and the order for the constitution of a court of justice was suspended for further consideration. The chief superintendent, Lord Napier, was instructed to announce his arrival at Canton, by letter to the viceroy. The superintendents were instructed to take up their residence at the port of Canton, and to be ready to receive their commission within the river or port of Canton, or at any other place within the river or port, or at any other place thereafter to be designated by an order in council, and not elsewhere.

One of the most remarkable transactions attending these transactions is, that in giving the instructions to the superintendents to take up their residence at Canton, and to the chief superintendent to announce his arrival by letter to the viceroy, they appear not to have been aware of the possibility of any objection to this course of proceeding on the part of the Chinese.

Accordingly, on his arrival in China, after organizing the board of superintendents at Canton, the superintendents, Messrs. Napier, Chicheley, and Davis, the commission, proceeded immediately to Canton. For the scenes which ensued of dramatic interest, partaking at once of tragedy and farce, recourse may be had to the official despatch of the chief superintendent to his Britannic majesty's secretary of state.

In obedience to his majesty's secretary of state, says Lord Napier in his letter of 9th August, 1834, to Lord Palmerston, "conveyed to me by your lordship, of the date of the 23d of January last, desiring me to announce my arrival at Canton by letter to the viceroy, which being rendered into Chinese by the rev. Dr. Morrison, the Chinese secretary and interpreter, was carried to the city gates by Mr. Astell, the secretary to the commission, accompanied by a deputation of gentlemen from the establishment.

It may be here stated, that during the interval employed in translating my letter, the Hong merchants, Howqua and Mowqua, arrived with the copy of an edict, addressed by the viceroy to themselves, for the purpose of being enjoined on the superintendents by their lordship. The Hong merchants, having already proved to the servants of the East India company, the utter inutility of such a medium of communication, and the compliance therewith only tending to degrade his majesty's commission, and the British public in general, in the estimation of the Chinese people, and to render the superintendents of the Chinese people, in their duties, altogether ineffectual, the Hong merchants were, consequently disoised, with an intimation that I would communicate immediately with the viceroy, in manner befitting his majesty's commission, and the honor of the British nation.

Mr. Astell was, therefore, instructed to deliver my letter to a Mandarin, and to avoid any communication with the Hong merchants, which might afterwards be represented as an official communication, and a precedent on all other occasions.

On the arrival of the party at the city gates, the soldier on guard was despatched to report the circumstance to his superior. In less than a quarter of an hour, a Mandarin of inferior rank appeared, whereupon Mr. Astell offered his letter, and transmitted it to his superior as on his way to the spot.

In the course of an hour several Mandarins, of nearly equal rank, arrived in succession; each refusing to deliver the letter, on the plea that higher officers would shortly attend.

After an hour's delay, during which time the party were treated with the greatest civility, not unusual on such occasions, the hongists and Hong merchants arrived, who, entreated to become the bearers of the letter to the viceroy.

About this time, a Mandarin of rank higher than any of those who had preceded him, joined the party, to whom the letter was in due form offered, and as formally refused.

The Mandarins having seen the superscription on the letter, agreed, that as it came from the superintendent of the Hong merchants, they were the proper channels of communication—but this obstacle appeared of minor importance in their eyes, upon ascertaining that the document was styled "a letter," and not a "petition."

The lieutenant was to be allowed a copy of the address, which was of course refused.

About this time, Kwang-Hong military officer of considerable rank, accompanied by an officer, a little inferior to himself, arrived on the spot; to whom the letter was offered three several times, and as often refused. The senior Hong merchant, Howqua, after a private conversation with the Kwang Heep, requested to be allowed to carry the letter, in company with the Kwang Heep, and ascertain whether it would be received.

This being considered as an insidious attempt to circumvent the directions of the superintendent, a negative was made to this and other overtures of a similar tendency.

Soberly, all the Mandarins took their departure, for the purpose, as it was afterwards ascertained, of consulting with the viceroy.

Nearly three hours having been lost within the city, Mr. Astell determined to wait a reasonable time for the return of the Mandarins, who shortly afterwards re-assembled; whereupon Mr. Astell respectfully offered the letter in question, three separate times, to execute two points in the instructions to the superintendents.—1. That the chief superintendent should announce his arrival at Canton, by letter, to the viceroy; and the other, that the superintendents should take up their residence at Canton. Lord Napier, with the open-hearted and inconsiderate boldness of a soldier, attempted to execute these points in obedience to his instructions to the letter, without, for an instant, conceiving that each of them was in direct conflict with the vital and fundamental laws of the celestial empire. This ignorance was very natural, and very excusable in a captain of the British navy, but how it came to be shared by the British civil and military secretary of state of the British empire, is more unaccountable. The instructions were explicit and positive. Had there been the remotest suspicion at the time when they were prepared, that their execution would meet with resistance by the Chinese authorities, it could not have failed to be noticed in them, and it could not have allowed the superintendents to proceed in such an event. Until then the official protector of British commercial interest, in China, had been a supercargo of the East India company, denominated by the Chinese a Taapan, whose representations or remonstrances in behalf of British subjects, to the government of the Celestial empire, and to the viceroy, were always presented in the form of petitions, and always communicated through the medium of the Hong merchants, without obtaining or claiming direct access of the Chinese dignitary himself. That this mode of communication was to cease from the time of the arrival of the superintendents in the East India company, was equally well known to the British and Chinese governments, and in the controversy which immediately followed this first collision between Lord Napier and the governor of Canton, the latter once and again asserts that ample warning had been given to the British merchants to prepare for the expiration of the privilege of the East India company, the functions of the Taapan would be superseded, some suitable messenger must be substituted to settle with the Hong merchants those trifling and insignificant concerns of commerce which it was far beneath the dignity of the government of the celestial empire to provide for or notice.

But I am already trespassing upon your patience— a brief and summary notice of the sequel, is all that your time will at present allow. The proud generous British noble mariner persisted in his determination to hold direct communication with the government of the two provinces of Loow and Kwang Heep, and to force his way into the interior by an armed force, till he was obliged to call for help had performed his passage, and for that frigate and another to force their passage up to Canton for the protection of his person from assault by the armed force

Mr. Benton contended that any country could have as much specie as it wanted. It was a vulgar error to suppose to the contrary. Banish the enemy of gold and silver, and there would be gold and silver enough in the country, and the world for the world. As soon as the lamp-black and rag statesmen quitted their places, there would be specie found in the country. Restore the reign of gold and silver, the money of the constitution, and you would have good times. Adopt the lamp-black and rag exchequer system of Robert Walpole, and you would have the reverse of all this.

[Mr. Benton here quoted from a pamphlet published in Charleston, South Carolina, giving a plan of exchequer almost (as Mr. B. said) precisely in the words of the bill before the senate. A copy-right had been secured for this in the courts of South Carolina, and Mr. B. said he would not like to come upon the present cabinet for damages, if they could not prove they took the plan from sir Robert Walpole. Laughter.]

Returning to the plan before the senate, Mr. B. said he considered the 19th century insulted by this system, calculated to pale the countenance of the vice system of an exchequer plan introduced in England, having, indeed, all that was bad in that, so that the mark of the beast was fixed upon it, and something much worse in the additions which had been appended.

Mr. B. having closed, a call for the question was heard on all sides, and the question being taken upon the report, without the yeas and nays, it was unanimously referred to the select committee of nine members, in conformity to the motion of Mr. Tallmadge.

The senate then adjourned to Monday.

JANUARY 17. The president of the senate laid before the body a communication from the department of state, the first article of which was the annexation boundary line between Texas and the United States.

Petitions remonstrating against any interfering with the bankrupt law were presented by Messrs. Tallmadge, Evans, Miller, Williams, Bates, Bagard, Buchanan, Henderson, Rivers, Porter, Young, Choate, Fessenden, Berrien, Smith, Sturgeon, and others. Mr. Walker, Merrick, Phelps and Woodbury, and were all referred to the judiciary committee.

Mr. Clay in presenting his said that he was charged with the presentation of a great many memorials, all remonstrating against any repeal or postponement of the bankrupt law, and that would not trouble the senate with them read. There were, first, one from the state of New York; two from the state of Maryland; one from the state of Pennsylvania; one from Newark, New Jersey; one from Boston signed by hundreds of persons, a city which, from its mercantile character, must be supposed to have knowledge on the subject, in which were numbered the names of those both able and unable to pay their debts; also, three from his own state, (Kentucky); one from the capital of the state, in which were the proceedings of a meeting strongly remonstrating against interference with the law, going into arguments to show why it should not be repealed or postponed. To this there were 400 signatures, all of which the secretaries of the meeting informed him were voluntarily made.

Mr. Clay referred to an opinion which had been thrown out under the sanction of some high commercial authority in New York, that the bankrupt law had better be repealed, and that the government should throw one hundred millions worth of property into the market to be sacrificed. Such a remark coming from that source, might be likely to have some weight. But it must be remembered that the estimate of one hundred millions was mere assumption and random conjecture, and no one could tell, with any degree of accuracy, what the amount would be; it might just as well have been set down at two hundred millions as at one. But, be the amount what it might, in estimating the weight of the statement, as an argument against the bill, it should be inquired, on the other hand, what would be done with this property should it be thrown into the market? Would it be sold, or the market? Not at all. On the contrary, it would be thrown into the market, to be sold under the hammer by sheriffs and other officers executing the process of the courts, and that without competition to raise the price. For, when the property of a debtor is sold, all his creditors, what motive could his other creditors have to enhance its value, by competition at the sale? None in the world. On the contrary the law remain undisturbed, what would be the cause of action under it? According to his understanding of the act, it would produce a distribution of the property of the debtor among his creditors; and, of course, when his property should be set up to sale, it would be the interest of them all to make as much out of it as possible. They would bid it up, instead of suffering it to be sacrificed for a

song. He considered that, whatever might be the exact form of legal proceedings in carrying out the law, the result in practice would be, that, under the benign operation of the act, there would be a distribution of the debtor's effects, not only among all his creditors, but at the highest price they could be made to command.

Mr. C. went on to say that it was not his purpose to go, at this time, into a discussion of the subject generally. He had thought of the bankrupt act as a measure which came recommended to congress not only on the part of the advocates of justice, of humanity and benevolence, but recommended no less by the appalling existing condition of the country. If, among all the other distresses, discontents and disorders, which everywhere prevailed to so alarming an extent, the legislature should now slay the dog in the faces of those unfortunate men who had at length been liberated from irrefragable embarrassment by the beneficent operation of this law, it would produce such a state of excitement, distress, disorder and despair, from one end of the land to the other, that no man could foresee or even conjecture the consequences.

But he could not terminate the remarks with which he had deemed it proper to accompany the presentation of these petitions and memorials without advert, for a moment, to a circumstance which had a personal relation to himself. The senate would do him the justice to admit that he rarely intruded any thing of that description on their notice; never, unless under the impulse of some great emergency. An intimation had recently appeared in some of the public prints of the day that the movement now in progress in the other wing of the capital towards a repeal of the bankrupt law had originated with him, (Mr. Clay). He disclaimed to enter upon any thing like a defence against the charge so base and disonourable, and in the contrary to the feelings of the whole public life. It might, with equal probability or evidence, have been asserted that he was the author or prompter of the proposal of a gentleman near him to repeal the distribution law. He held the insinuation in profound contempt and scorn.

He could not but be permitted to refer to the delegation in the other house from his own state. At the last session every member of that delegation, with one solitary exception, had voted against the passage of the bankrupt bill; and even that single advocate of the bill, on his return to his own district, found so great and general a dissatisfaction with the provisions of the law, that, at the present session, felt it his duty to give such a vote as he presumed it would appear he had this day given in that body on the question of repeal. But it seemed, notwithstanding these known facts, that Mr. C. was to be held responsible for the votes of all the members of the other house, and he was to be held to that question. But those who imagined that Kentuckians were made of so supple, servile stuff as to take their public course in legislation from the dictation of any man, had yet to learn their true character. Those gentlemen had quite as good a right to dictate Mr. C.'s course as he had to dictate theirs. The representatives from Kentucky, in either house of congress, had enough of manly independence to judge and to act for themselves, and to vote as their own individual views of duty should prompt them. But this accusation, base and despicable as it was in itself, had notwithstanding assumed such a shape as to require Mr. C. to rise to bring it to the notice of the senate; and he felt very sure that it was only necessary for him to bring it home to the bosom of every senator, to have it promptly, instantaneously, rejected and repelled as utterly groundless. For, whatever might have been their difference of sentiment—and no man would wish more than to be at variance with them—there was no one who would be so disposed to conform to the will of the majority as to conform to the will of the minority. It is no more to the disadvantage of the majority to conform to the will of the minority than it is to the disadvantage of the minority to conform to the will of the majority. But those who imagined that Kentuckians were made of so supple, servile stuff as to take their public course in legislation from the dictation of any man, had yet to learn their true character. Those gentlemen had quite as good a right to dictate Mr. C.'s course as he had to dictate theirs. The representatives from Kentucky, in either house of congress, had enough of manly independence to judge and to act for themselves, and to vote as their own individual views of duty should prompt them. But this accusation, base and despicable as it was in itself, had notwithstanding assumed such a shape as to require Mr. C. to rise to bring it to the notice of the senate; and he felt very sure that it was only necessary for him to bring it home to the bosom of every senator, to have it promptly, instantaneously, rejected and repelled as utterly groundless. For, whatever might have been their difference of sentiment—and no man would wish more than to be at variance with them—there was no one who would be so disposed to conform to the will of the majority as to conform to the will of the minority. It is no more to the disadvantage of the majority to conform to the will of the minority than it is to the disadvantage of the minority to conform to the will of the majority.

Mr. Young presented a memorial from citizens of Winnebago county, Illinois, asking that the Polish claims to land may be vacated, and that they be subjected to the right of pre-emption.

Mr. Smith, of Indiana, from the committee on public lands, reported a bill, which had been referred, reported a bill, and also made a special report relative to the grant to Polish exiles. [The report maintains that the selections of lands under the Polish claim in Illinois were not made in pursuance of the provisions of the law on the subject, and that the law granting the land to the Polish exiles is still in force for their benefit. The bill declares these lands to be public lands, and removes all restrictions, subjecting them to disposal as other public lands under the law in force.]

Mr. Clay moved that the special order of the day, viz: his resolutions proposing a change of the constitution, be deferred till this day week. Agreed to.

Mr. Linn announced his intention to take up tomorrow his bill to repeal the distribution sections of the land bill.

After the transaction of business, relative to individual claims &c., the senate adjourned.

JANUARY 18. A report was laid before the senate from the secretary of state, in reference to the northern boundary of Missouri.

Memorials against or in favor of the bankrupt law were presented by Messrs. Tallmadge, Merrick, Evans, Rivers, Buchanan, Mangum, Miller, Walker, Woodbury, Porter and Merchoil.

Mr. Morehead stated that when the question came up he should have expressed by expressions of opinion in Kentucky and the instructions of the legislature of that state to vote in favor of repeal, though his own sentiments were in favor of the bill.

The bill which passed the house yesterday to repeal the bankrupt law was received and read twice. Mr. Evans the chairman of the committee of finance, reported the treasury note bill with amendments, one of which is to strike from the bill the amendment of Mr. Gilmer, of Virginia, to deduct from the amount of the loan bill, the treasury notes now issued.

The amendments were ordered to be read.

An amendment of the several treaty acts in the form of a supplementary bill was reported by Mr. Rivers, as chairman of the committee on foreign relations.

A resolution introduced yesterday by Mr. Walker, of Mississippi, instructing the judiciary committee to report the bankrupt bill with amendments, was taken up, and at the suggestion of Mr. King, modified so as to engage into the expediency of repealing, and the senate after the transaction of executive business adjourned.

JANUARY 19. Memorials from various quarters in relation to the bankrupt law were presented and referred.

The resolution submitted some days since by Mr. Allen, calling on the secretary of the treasury to say whether, in his opinion, the government could be carried on without calling to its aid the revenue derived from the public lands, without drawing from the people an equal amount in taxes &c., was then taken up, and by yeas 24 yeas 17, was laid upon the table.

Mr. Evans then moved to take up the treasury note bill, which motion was adopted.

Mr. Evans then, as chairman of the committee on finance, arose and addressed the senate. He concluded his remarks by saying that he would neither cease to make appropriations or put money into the treasury—one thing or the other was necessary. It became us as legislators, as citizens, and as patriots, to see what the country demanded, and to meet those demands. The condition of the country was such that it might not be very difficult to obtain the balance of the loan. The treasury was now such that we were required to pass this bill to meet the immediate and pressing demands upon the treasury, and he hoped the senators would allow the bill to go through with the least possible delay.

Mr. Buchanan announced the death of the hon. D. Dimock, representative of Kentucky, and moved in respect for his memory that the senate adjourn whereupon the senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, JAN. 11. Mr. Cushing called the speaker to state the question.

The speaker said that on Saturday last, under the suspension, instructions were given to a committee connected with a certain petition, and a special report thereon was ordered to be made on this day by that committee—ordered by a majority of the house. The chair decided that that was not the regular order of business this morning, but that it was proper to proceed with a call of the states for petitions, under the suspension of Friday last, until that order had been fulfilled. The speaker then called on the gentleman from states. From this decision the gentleman from Kentucky (Mr. Marshall) had appealed; and the question was on the appeal.

The question, "shall the decision of the chair stand as the judgment of the house?" was taken, and decided in the affirmative by yeas 117, nays 24.

Mr. Fillmore said that, as it was the judgment that the report of the committee on the apportionment had not been made this morning, he hoped the house would go into committee of the whole on the state of the union.

The speaker said the question must be taken on the motion of the gentleman from New York, (Mr. Fillmore), to postpone the reception of petitions; which motion, however, the speaker repeated, would require a vote of two-thirds.

The yeas and nays being asked there were yeas 151, yeas 53.

So, two-thirds voting therefore, the motion to postpone was agreed to.

Mr. Fillmore then moved that the house resolve itself into committee of the whole on the state of the union.

Mr. Thornton asked the yeas and nays on that motion; which were ordered, and stood—yeas 106, yeas 103. So the motion was agreed to.

So the house resolved itself into committee of the whole on the state of the union, (Mr. Hopkins, of Virginia, in the chair), and resumed the consideration of the bill to amend the act of 1837, "to authorize an issue of treasury notes."

Mr. Underwood said that he was one of those who voted in favor of the loan bill, and who was also in favor of changing the system which had been adopted at the extra session of 1837 of issuing treasury notes. He now preferred the borrowing of money and the paying our debts, to the issue of evidences of debts of obligations binding us to pay at a future day. The creditors of the government ought to be satisfied, whenever their demands came due, by an actual payment, and not a promise to pay. After addressing the committee for some time, he offered the following amendment, which was read by the clerk:

Be it further enacted, That the notes issued under the authority of this act shall not be sold or pledged by the treasury, or any other department, for the purpose of raising specie, or other funds, but shall be issued alone in favor of the creditor of the government.

Mr. Gamble said that the part of the bill which induced him to give his support was this:

Provided, That the authority hereby given to issue treasury notes shall cease and determine as soon as the loan authorized by the act of July 21, 1841, or which may be authorized by any other act, shall be negotiated and rendered available.

This country was suffering. Should they withhold support from those who were entitled, not to the money, but to the justice of this country, because they could not adopt a measure of relieving their wants which they would elect? Should they delay? A delay of justice was very frequently a denial of justice.

Mr. Fassenden, then addressed the committee and in closing, said he desired to take the responsibility of seeing the operations of government suspended by withholding supplies, he was not willing to go with them. Should they stop, and not provide means to meet the pressing demands of the treasury, because they were committed, or imagined themselves to be committed, to this doctrine? He could not hold a doctrine of this description. Were he more committed than was the case against the issue of treasury notes, believing that the constitutional power exists, and that this course must be taken, or that the wheels of government most stop, he would vote for the passage of this bill.

Mr. Dean, of Ohio, next addressed the committee, assailed the whig policy and exulted. Mr. Tyler—in conclusion he said if this bill could be properly amended he was prepared to sustain it.

Mr. Floyd, of N. Y., explained the reasons which should govern him in voting against the issue of treasury notes, though he on former occasions had voted for their issue. Formerly the secretary of treasury had assured congress that their use was to be but temporary and the notes were to be paid off as they fell due. This was not now the case. Its former temporary feature was to be abolished as soon as the present wants of the treasury were supplied. He was prosecuting his address; when

On motion, the committee, there being no quorum, rose.

On motion of Mr. Adams, the house adjourned.

WEDNESDAY, JAN. 13. Mr. Fillmore moved that the house resolve itself into committee of the whole on the state of the union.

The question being taken was decided in the affirmative, yeas 105, yeas 92.

So the house resolved itself into committee of the whole on the state of the union, (Mr. Hopkins, of Va. in the chair), and resumed the consideration of the bill to authorize the issue of treasury notes.

The pending question being on the following amendment of Mr. Underwood:

Be it further enacted, That the notes issued under the authority of this act shall not be sold or pledged by the treasury, or any other department, for the purpose of raising specie, or other funds, but shall be issued alone in favor of the creditor of the government.

Mr. J. G. Floyd, who was entitled to the floor, concluded his remarks in opposition to the bill.

Mr. Arnold then spoke at great length on various subjects connected with the question before the house.

He assigned the reason why he should go for the issue of treasury notes; and, as he intended to offer an amendment to the amendment of the gentleman from Kentucky, (Mr. Underwood), he would read it now, that he might comment upon it in the course of his remarks.

He then read the amendment, which provides for the issue of treasury notes of any denomination not under five dollars. This amendment, he said, he had felt it his duty to offer, and he believed it a salutary one, which the country at large would approve of; but before he proceeded to discuss the amendment, he advanced his reasons why he should vote for this bill.

The chairman announced the pending question to be the amendment to the amendment, as proposed by Mr. Arnold.

Mr. T. F. Marshall moved that the committee rise. Which motion, by yeas 87, does not counted, was agreed to. So the committee rose, and the chairman reported progress.

Mr. Fillmore now asked the unanimous consent of the house to take up and consider the resolution offered by him this morning, in order to fix upon some time, (he was not particular when), at which the debate should cease, and the bill be reported. For himself, he was willing to agree to any time that a majority of the house might indicate.

The resolution of Mr. Fillmore being then read, to wit:

Resolved, That in consideration of the urgent necessity of the treasury, the debate in the committee of the whole on the state of the union on the above bill No. 61, be authorized the issue of treasury notes, from and after two o'clock to-morrow shall cease, and the committee shall then proceed to vote on all the amendments pending, and which may be submitted, and shall then report the same, with such amendments as may have been agreed to, to the house, unless the same shall be sooner reported to the house by the committee of the whole on the state of the union.

Mr. McKen rose and objected to the consideration of the resolution.

Mr. Marshall suggested four o'clock to-morrow, instead of two.

Mr. Fillmore concurred.

Mr. McKen reiterated his objection to the consideration of the resolution.

The speaker said the resolution could only be considered by a suspension of the rules.

Mr. Fillmore moved a suspension thereof.

Mr. Clifford asked the yeas and nays; which were ordered, and stood—yeas 104, yeas 53.

So, two-thirds not having voted in the affirmative, the rules were not suspended.

Mr. Fillmore then rose, and gave notice that he intended to move his resolution daily, that the country might know why it was that this measure was not passed.

Mr. Andrews, of Kentucky, moved that the house adjourn.

Mr. Stenrod asked the yeas and nays on that motion; which was refused.

The motion was put and agreed to. And at ten minutes past five o'clock the house adjourned.

THURSDAY, JAN. 13. Mr. Fillmore moved that the house resolve itself into committee of the whole on the state of the union.

Which motion being agreed to without a division—

The house again resolved itself into committee of the whole on the state of the union, (Mr. Hopkins, of Virginia, in the chair), and resumed the consideration of the bill "to authorize an issue of treasury notes."

The state of the question was as follows:

Mr. Underwood had heretofore moved to amend the bill by adding thereto the following additional section.

Be it further enacted, That the notes issued under the authority of this act shall not be sold or pledged by the treasury, or any other department, for the purpose of raising specie, or other funds, but shall be issued alone in favor of the creditor of the government.

Which amendment Mr. Arnold had heretofore moved to amend by providing that "notes may be issued of any denomination not below five dollars."

And the question immediately pending was on the amendment to the amendment.

Some conversation took place between the speaker and Mr. Ingersoll as to the range of debate which would be allowed in the existing state of the question. The chairman decided that debate was to be confined to the amendment of Mr. Arnold in relation to the denomination of the notes.

Mr. Arnold said, if the debate was to be limited to his amendment, he would, for the present, withdraw it.

The chairman then announced the question to be on the amendment of Mr. Underwood; and decided

that the debate must be confined to that amendment.

Mr. Bronson, for the purpose, he said, of enabling the gentleman from Pennsylvania (Mr. Ingersoll) to submit the remarks he might be desirous to make, moved to strike out the enacting clause of the bill.

The question then recurring on the motion of Mr. Bronson to strike out the enacting clause of the bill—

Mr. Ingersoll, of Pennsylvania arose and said his object in rising was to vindicate the action of the committee in reporting the bill under consideration. While this house, said Mr. I. is distracted with a diversity of opinions as to the proper mode of supplying the wants of the treasury, the government is in danger, like a long-creaked animal in the fable, of starving clear before the choice of protraction, postponement of the house is in favor of treasury notes, and another in favor of a loan. The committee of ways and means have informed us with what reluctance a majority of them came to the conclusion to report this bill. It was not until stern necessity convinced them that there was no alternative that they consented to

Mr. I. desired pardon for examining for a moment the constitutionality of the proposed measure; it would be difficult, said Mr. I. to find a resting place in the constitution between the power to "pay debts" and the power to "borrow money" where the power issue treasury notes did not exist.

Mr. I. then examined at some length, the various judicial decisions, in which the constitutionality of their currency had been recognised.

If instead of being the apologist he were the eulogist, of this bill, he might answer the objections raised by his colleague from Pennsylvania (Mr. Cooper) and the gentleman from Kentucky (Mr. Marshall). The first of these gentlemen objected to the issue of treasury notes and inveighed against the inconsistency of the whigs, in resorting to them, and the other insisted upon his preference for a loan. Now where was the inconsistency? He (Mr. I.) was a whig, proud of the designation, and he admitted himself with the interests of the country. Government in times past, had used their credit in this manner, and, when it was done, it was with a view to the interests of the people; and with this view it was called for again.

It was said that these notes would find their way into the hands of capitalists. Very well, he said, it was obvious that they would answer the purpose for which they were designed; viz: to pay the government debts. As to what was said by the other gentleman about a loan, we were informed it could not be obtained in any reasonable time, to meet the wants of the treasury, and in the worst of all, we could not have to permit the government to be dishonored. Mr. I. trusted not—every principle of expediency, justice, and honor required that this bill should be passed. Mr. I. closed his speech, by renewing the motion of Mr. Arnold, that these notes should be issued of denominations as low as five dollars.

Mr. Gilmer then rose and went into a minute detail of the expenditures, and appropriations, and estimates for expenditures, for the purpose of showing the present wants, certain and probable, of the treasury. Mr. G. objected to the proviso of the bill (with respect to the loan) because he said that it would be time enough to provide for the estimate which he had enumerated when the house had sanctioned the expenditures; but sufficient to the day was the evil thereof.

Mr. G. said that if proper economy was used, there would be no necessity of increasing the debt beyond the \$6,000,000 already incurred. He was for going with a strong, but not a rude hand into the departments and seeing what could be done in the way of reducing salaries, &c. He was for retrenching the salaries of the civil service, of the military and storekeepers, the expenses of congress, the franking privilege, &c. &c. If ever there was to be anything done in the way of economy, now was the time. Parties were in a condition now to do something in this matter if ever, and if nothing was to be done he was sure to leave it, and to proclaim to the people that this cry of economy and reform was a great humbug, useful before an election but abandoned after it.

Mr. J. C. Ingersoll followed the last gentleman, and ridiculed the idea of the necessity which was so much dwelt upon for this issue. Mr. I. said the country was not bankrupt; there was money enough—all that was wanted was to get it. He could name an individual, not half a mile from his own residence, who would be glad to put down is 1,000,000 or \$2,000,000 at 6 per cent. with proper security.

Mr. I. was quite sarcastical upon the correspondence of Prime, Ward and King with the committee of ways and means. Brokers, he said, were the last

Mr. *Gentry* moved that the house do now adjourn.
Mr. *Lewis Williams* asked the yeas and nays on that motion; which were ordered, and being taken, were: yeas 101, nays 88.

So, at half past three o'clock, the house adjourned.

SATURDAY, JAN. 15. Hon. Christopher Morgan, representative from the state of New York, appeared and took his seat.

The business of yesterday respecting the bankrupt law was then resumed. The previous question upon Mr. Clifford's amendment to Mr. Briggs' resolution of instructions to the committee on the judiciary being seconded, upon ordering the main question, the yeas and nays were called, and were yeas 111, nays 88.

So the main question was put (being upon adopting Mr. Briggs' resolution, instructing the judiciary committee to report an amendment to the bankrupt law, which should include corporations, issuing paper, as money, in its provisions—modified by Mr. Clifford, so as not to revoke the instructions already given this committee to report a bill repealing the law)—and upon this, too, the yeas and nays were taken—they were yeas 98, nays 109. So the house rejected the resolution.

Mr. Boyd rose and presented a petition praying for the repeal of the bankrupt law, which he moved to refer to the committee on the judiciary with the following instructions:

That the said memorial "be referred to the committee on the judiciary, with instructions to report on this day, at 2 o'clock, in execution of an order of the house made on the 8th instant, a bill for the repeal of the act entitled 'an act to establish a uniform system of bankruptcy throughout the United States,' approved August 19, 1841.

Mr. B. moved the previous question before taking his seat, and again, after the instructions had been read, rose and made that motion.

Much tumult, motions to adjourn, questions of order and confusion arose. The word "instantly" was finally substituted for "two o'clock" and Mr. Boyd's instructions carried by yeas 110, nays 94.

Mr. Barnard rose and reported a bill, remarking that he did so in obedience to the peremptory order of the house, and under the decision of the speaker and the house.

And it was read as follows:
A bill to repeal the act establishing a uniform system of
bankruptcy.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved the 19th day of August, 1841, be, and the same is hereby, repealed.

Mr. Winthrop rose and objected to any question being taken upon it, and insisted on his point of order. The speaker here read the order, or instructions.

This order, the *speaker* said, was limited in its terms, and could not be exceeded in its spirit. The order commanded the committee to report, but there

stopped. The report had been made, but there was no further action. The gentleman from Massachusetts now raised the question of order whether any thing further could be done with the bill at present, the order having been discharged. The gentleman from Virginia (Mr. Hooper) had submitted that the next question was, "shall the bill be reported?" The chair did not doubt about the propriety of the question. The gentleman from Illinois. If the point of order had not been taken, the bill was now regularly up for action, that would certainly be the next question; but the question which now arose upon the point of order of the gentleman from Massachusetts was this: "Was it in order, considering the authority by which this bill was brought before the house, to press it further than the reading at this time?" In the judgment of the speaker, it was not.

Mr. Wise appealed from this decision. A motion to adjourn having been made, the speaker in reply to an enquiry, said that the appeal would

the first thing in order on Monday morning, coming up as unfinished business.

Mr. Underwood. Then, if that is the case, we will adjourn.

The question on the motion to adjourn was then taken and decided in the affirmative: Yeas 105, nays 92.

At half past 5 o'clock, the house adjourned.

MONDAY, JAN. 17. The house having taken up the subject of the bankrupt law,

Mr. Everett moved to lay the appeal of Mr. Wise on the table. The question being taken, it was decided in the negative, yeas 103, nays 117.

The question was then taken on the appeal of Mr. Ingham: shall the decision of the chair stand as the judgment of the house? and by yeas 99, nays 118, it was decided in the negative, and so the house reversed the decision of the chair.

Mr. *Granger* then moved that the bill be rejected, and said that, in that motion he had a few words to make. He had not risen to speak against time. He should attend the house but a very few moments; but he was unwilling that the solemn action of the house be recorded in the proceedings of the last session of congress. He said that he had no doubt that the majority of the people of the country were in favor of the bill, giving hope to manyaching bosoms, should be repealed and crumbled into dust, and not one voice be raised here against the proceeding. He was aware that the few words he had to say would be of little avail; that the majority of the people of the country were in favor of the bill, and that the house was prepared to pass the bill, and that which it seemed in this case to possess. But, at the same time, he claimed to himself the privilege, belonging to the minority, of expressing his opinion before the report came to the world. He had supposed that, after the mature deliberation of the committee had on the subject, not only throughout this nation, but in this hall—after the most deep interest felt in this question, he had a right to expect that the legislation of the whole country was settled; that at least a consensus would be reached, and that the report of this law until the whole effects of a bill so solemnly passed had been seen by the country in its operation.—Scarcely three months had elapsed after the passage of the law with its usual solemnities before gentlemen here rose in their places and demanded its repeal.

He denied that there was any evidence that the people of the nation asked for the repeal. What had been the course adopted by gentlemen? Had they come in the usual forms of legislation, and met this question boldly on this floor to be discussed; or had they availed themselves of the rules of this house, by having their construction that had ever been put on their sense, and their own private wish, push it all through in a manner unprecedented in the history of this country. He defied any man, however bold, thirsty he may be for the passage of this bill, to point out any instance, from the formation of this government till this day, when any bill had been attempted to be passed through this hall in this manner. It struck him as a very singular proceeding, and he stood long enough to give a decent form of burial to this creature of their three months' creation. But, instead of that, he had been pained to see those gentlemen with whom he politically associated, and who, in very short months ago, recorded their names in favor of a vote of censure on the repeal, now come forward to clinch the nails in the very coffin of their power to spring. Wealth and power operating on the press might create for a moment apparent evidence of public opinion, which did not exist in the hearts of the people and the nation generally; but the poor and uneducated, who were exercised no such control, and he denied that there was any such control, even in the sections where the call for the repeal had been made through the public press in favor of such repeal.

He well knew that there was opposition to this bill. Never in the history of this government had there been any act of legislation which was calculated to ameliorate the condition of the debtor but there had been a number of acts of legislation which had ruined the debtor, by drawing his life out of him after death, and who never leave their victim until he is dead. Follow back the history of the legislation of this country, and they would find that there had been a number of acts to ameliorate the condition of man, and opposition was made to them by the courts. I asked whether the cry did not then go forth that there were annulling contracts, and whether, in those states where laws for their abolishment had been passed, the courts had not abused themselves against the operation of this law by saying that it was not for commercial towns, and on the highways, vociferating against concerning the obligations of credit and the force of contracts? And yet there was not one state in this country where the legislature had adhered to their action in passing these laws, but the public opinion had not silenced the clamor on this subject.

Try it when you will, and the mere money-lenders of a country will raise a clamor against every law which takes from them any supposed power to force the last dollar from a debtor. He was no leveller, he came not to make war on wealth, he detested the vulgar attempts made to excite jealousies between the rich and the poor, but the history of this nation and every other people on earth shows, beyond the possibility of dispute, that those who hold the money-power of a country are the last to yield to any relaxation of the severity of laws by which, having exhausted the means of payment of the debtor, they are enabled to cripple his energies for life.

In many places—he was happy to say not generally—the banks had struck at this law; and why? Because there had grown up in this country a system of

dealing, which strikes at the root of morality, for the benefit of the banks. This law places every creditor on an equal footing; and the banks which, by the aid of kind friends, have given debtors a fictitious credit, when the bubble is about to burst, can no longer, under the operation of this law, take the property out of the pockets of the honest man, and keep themselves unscathed. They undoubtedly would raise the cry of vested rights, and say that they took their charters under certain laws, and that they must not now be interfered with. There was another class of debtors, who, hiding their property under one name and another, had gone on and kept the honest man out of his dues, who would, under this law, be brought up to answer and surrender all their ill-gotten and ill-earned wealth. They, too, would be found against this law.

He was one of those who had contended with all his energy, and what little power he might possess, to bring this country to a state of things in which there should be some permanency. He was one of those who had deprecated from his very heart the unhappy condition of things for the last twelve years; and now he was brought to the humiliating condition of seeing some of his valued friends lending their aid to those he had opposed, to present to this nation an instance of the most feeble legislation that could be found on our statute books. He doubted if the world could shew a more

could show an instance of legislation like this.

If the bill passed, what hope was there left to the unfortunate world to avoid the evils of its repeal? This bankrupt law was the worst proposed; and for fifty years they would not see a successful attempt to do that which the condition of the country demands. Men would halt, if they found that they are called on to do an act which had before been passed, and, in three months after, was suddenly and completely scotched out. The last hope of the unfortunate of this world would be crushed if this law were to be repealed. He thought that it had been very common to denounce all those who were engaged in the speculations of 1835 and 1836 as mere adventurers, starting into the world with a bold belief that they could make something when they had nothing to lose. Those who knew him knew that no man had been more strongly against the excesses of the thing than he, and he had ridiculed the bubbles of that day more than he had, and more true than the great mass of persons engaged in these enterprises were without capital or character. It was a time of excitement—he spoke not of it to excite political feeling. This government had thrown within the reach of our people immense sums of money, which were expended on much easier terms than ever before known; and the enormous spirit was called into action; individuals did what they could, and every nerve was strained to arouse the energies and call forth the slumbering resources of our people.

Within his own knowledge hundreds and hundreds of men have embarked wealth and character in that activity and enterprise which had made the country follow it now is. It was unnecessary to repeat what he said, but he did not place the number of those who would have stayed in this law so high as many had done, but he believed that there were more than one hundred thousand in this nation who were not only ruined by the operations of those years, but who are as honest, faithful, and true, as the portion of community. Strike from the list of them all those whose character was doubtful—strike as it would be, and let the remainder of the strike from it every man who entered into business relying on his energies alone, and there would remain this number to be benefited by the operation of this law. There was a great class of men honest in the operation, who not only placed their energies in the operation, but who, at their fortunes also; and he held that this whole class, the fault was only that error of judgment which, in a young and growing nation like ours, will prevail more than in older countries, had a right to the operations of this law, and to be restored to usefulness in community and to surrender all their property. Had general stopping been made, the consequences of having done 200,000 men who could not have been doing beyond a mere subsistence from day to day, because they can hold nothing they produce? The activity, energy, and moral power of this country, which had 200,000 men to add to the wealth and honor of the nation, would have been at liberty to do what was ten times their own. The character, the wealth, and the morals of the nation, demanded that they should hold on to the law.

When he reflected on the thousands and thousands whom the repeal of this law would come as the death-knell to every hope, his very soul saddened within him. What was their situation? Prostrated by the misfortune of the times, and, even allowing that it was through their own indiscretion, they have struggled on till now under that sickness of heart

which arises upon hope deferred. They have thought that the day of their deliverance was at hand; every arrangement has been made to avail themselves of the advantages of this law; and now that government which has held out to them the most flattering anticipations of relief, blasts them forever. He could hardly conceive a condition more fallen than that of the debtor, who has labored under the influence of the family of the benefits of this law, and now finds that the very power of legislation which gave him this benefit suddenly wrests it from him, and that the moment the doors of his prison begin to open they are closed against him, and he is hurried back to his prison, and he contemplates with grief and indignation the course of action he has followed in the history of this country.

He remembered to have read of a Grecian sculptor who purchased two slaves as models for his *studios*, over whom he held the power of life and death. To one he offered encouragement of freedom, and water of life, which he might give to a slave of that expression which is higher than the form of man, when raised from the depths of despondency to the buoyancy of hope. The other he ordered to be executed in his presence, and as he calmly watched the death struggle of his victim, secured to himself an imperishable name by transferring to the marble the form of a Roman citizen, the dying agony of a fellow-mortal. Pass this tale of the artist to the just mind, to turn them the palm of ingenious cruelty. His fame perpetuated on marble might be more enduring than that which is most deeply cherished in the broken spirits and bruised hearts of the unfortunate; but they would conquer him by having, in one short life, done more good than a hundred thousand of their fellow-citizens, the more the glorification of blooming hope, and wither and despair.

Mr. Marshall said with hope and withering despair, "I have no doubt that the foreign gentleman who purposed to discuss the merits of this law, which he presumed they were now about to repeal, He would make but one or two observations in explanation of the motion he was about to make. It was now upwards of one week since a vote had been given by a very decided majority of this house, ordering the repeal of a bill for the repeal of this law for last Tuesday. In one way or other, by calls of yeas and nays and by divisions of rules of order, they had been delayed until the present time. He knew that this law was to take effect on the first of January. If it was to be repealed at all, then it was in the last degree important that it should be done as speedily as possible. Nothing could be more impolitic than to delay this bill until the law takes effect in part, and for the benefit of a portion of the people of the United States. It was therefore, so far as he had any concern with the measure, that he had endeavored to get it passed as speedily as possible. It was known that this law was passed under very peculiar circumstances.

Allusion had been made by the eloquent and distinguished gentleman from New York (Mr. Cragger), to the course of members on this floor who voted for this law at the extra session and now were voting in favor of its repeal, as furnishing an example to the people of the country and unparalleled in the annals of legislation. He said that the gentleman, call the attention of the gentleman from New York to the fact that when the law was passed its operation was suspended for a certain time; and that the policy pursued by congress at the extra session, which was the policy of repeal, for other reason was there for suspending its operation, save that the law should be laid before the people for popular examination and discussion? There was a large number of gentlemen who voted for the law on this consideration, that it would give the people an equal fair trial and opportunity to discover the feelings of the people, and if the popular sentiment should be found against the measure, that they might have an opportunity to repeal it. That was the condition on which vote were granted, and that was the condition on which gentlemen who acted thus, and since, by full and free communication with their constituents, had ascertained to their entire satisfaction that the people they represented were opposed to this policy, the charge of inconsistency is not applicable.

As to the public press, and petitions from the people, so far, Mr. Speaker, I say that I am concerned, (continued Mr. M.) that we have not the indisputable evidence of what the wish and desire of the people represent. It had been declared by one of the presses in New York, and published to all the world, that they who went for this repeal were enemies to freedom and in favor of British capitalists; and he, (Mr. M.) had been charged by a New York paper with having received \$100,000 for the course he was now pursuing in the vote he was about to give, and his colleague from Kentucky had been included in the same charge; [Mr. Spring, all except myself] that they were paid by British capitalists to vote for

the repeal of the bill for which they had voted at the extra session. He referred to this thing to show how little importance was to be attached to what a hireling press might say on the one side or the other.

He had alluded to these matters merely to explain the motion he was about to make. If the law was to be repealed, it ought to be done immediately—before the day of its going into operation. Therefore, under these circumstances, not from inconsiderate haste, or from rash and cruel zeal in this matter, but simply that the sentiments of this house might be tested before the day of the law going into effect, he had risen to move the previous question; and he now made that motion.

Mr. *Sellers* said that at the extra session, he had voted for the bankrupt bill, and his opinions in regard to the policy of such a law had undergone no change. At the time of the passage of that bill he had distinctly expressed his opinion in favor of its passage, for the express purpose of permitting it to be amended at this session. This was the stipulation, and he said it could not have passed the house without this stipulation. He believed at that time that the bill would meet the needs of the country, and he held that opinion. He believed it was imperfect, but, on repeating, as it did the insolvent laws of the states, and giving entire jurisdiction over the subject to the federal courts, it would effectually shut the door of the courts to the creditors of those who, owing to the expenses incident to applying to the state courts, would be precluded from the benefit of the law. He had hoped that the law would, at this session, have been so amended as that, while it extended the jurisdiction of the federal courts to the insolvent laws of the states, and to debtors whom the law would not deprive another class, equally entitled to consideration, of the benefit of that law. And he held the peculiar friends of the law responsible for not doing, in the amendment, their express promises, and endeavoring to amend the law so as to render it effective to the object which he referred. He would be compelled, therefore, to vote for the repeal of a law in the general principles of which he most heartily concurred, because, in his opinion, without some amendment, it would inflict great injury upon a large class of his constituents.

The main question was then taken, and decided in the negative. Yeas 97, nays 124. So the house decided that the bill should not be rejected.

After some further proceedings, the question on the engrossment of the bill was taken, and decided by yeas 124, nays 96.

And the house ordered the bill to a third reading now.

And the bill having been read by its title, and the question being, "shall this bill pass?"

Mr. Lewis Williams asked the yeas and nays on the main question; which was ordered.

The question, "shall this bill pass?" was then taken, and decided in the affirmative, as follows:

YEAS—Messrs. Landolf W. Andrews, Arington, Alton, Barton, Beeson, Bidlack, Birdseye, Bots, Boyer, Boyd, Aaron V. Brown, Charles Brown, Burger, Bush, Caldwell, Calkins, Campbell, Canfield, Carver, Green W. Caldwell, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campion, Cassell, Cary, Casey, Chapman, Clifford, Clinton, Colburn, Conner, Cook, Cowan, Crandall, Crook, Davidson, Davis, Dean, Dow, Doug. Essman, A. F. C. Edwards, Egbert, Ferris, John G. Floyd, Charles A. Floyd, Furness, Thomas E. Foster, George H. Fowler, Gault, Harbison, Harris, John Hastings, Hayes, Holmes, Humphreys, Houck, Houston, Hubbard, Hunter, Charles J. Ingersoll, James Johnson, J. W. Jones, Keim, Andrew Kennedy, Joseph L. Kennedy, Lewis, Lewis, McClellan, McKay, Malby, Marchand, Alfred Marshall, Thomas F. Marshall, John T. Mason, May, Maynard, McCall, Merriam, Miller, Newland, Joseph Parnacek, Paul R. Redd, Richard S. Reed, Joseph Profit, Ramsey, Reeling, Reynolds, Rhett, Rogers, Stuart, Saunders, Slaw, Sleeper, Shedd, Sherrill, Shook, Smith, Spaulding, Stebbins, Stoddard, H. J. Smart, Summers, Seiler, Sewell, Talarmin, Thompson, Triplett, Turney, Underwood, Van Buren, Ward, Waterson, Well-r, Westbrook, James W.

[illegible]

linson, Trumbull, Van Rensselaer, Wallace, Warren,
Washington, Thomas W. Williams, Lewis Williams,
Lucas L. Williams, Winthrop, Wm.

So the bill was passed, and the bankrupt law of the extra session, so far as the house is concerned, was repealed.

Mr. Campbell, of Tenn. moved a reconsideration of the vote just taken; and asked the previous question.

And the question, (being on the reconsideration), was ordered, and, being taken, was decided in the negative.

So the vote was not reconsidered.

And the question being on the title of the bill; Mr. Arnold moved to to amend it by adding the words, "being the first important act of a public nature that was ever passed without debate."

The speaker, on a point of order raised by Mr. Wise, ruled the amendment to be out of order.

Mr. Profit and Mr. Campbell, of Tenn. simultaneously moved the previous question on the title. And there was a second.

And the main question, (being on the title of the bill), was ordered; and, on being taken, the title of the bill was agreed to.

Mr. *Cathoun* rose and said, I move that the house adjourn; and I call for the previous question on *that*. And, at a late hour, the house adjourned.

TUESDAY, JAN. 18. Petitions were presented, and among them the following:

Mr. Underwood presented one for the repeal of the law abolishing imprisonment for debt in the District of Columbia.

Mr. Sillers presented a petition from the citizens of Prince Georges' county, for the erection of a free bridge across the eastern branch of the Potomac.

Mr. Kennedy presented petitions from merchants in Baltimore, in favor of granting the committee on manufactures power to send for witnesses relative to the tariff subject.

A number of petitions from Pennsylvania were presented, asking that no law may be passed impairing the constitutional rights of petition.

Mr. Campbell, of S. C. moved that they be laid on the table, and by yeas 93, nays 75, they were laid on the table.

Another petition was presented, asking either the abolition of slavery in the District, or the removal of the seat of government, and numerous other petitions, having reference to slavery, were presented and laid on the table.

Mr. James presented several memorials, asking that all laws of the house may be repealed, restricting in any way the spirit of liberty which breathes in the constitution. On these petitions the question of reception was raised and laid on the table.

Mr. Ingersoll presented various petitions, and one from citizens of Philadelphia, praying for the amendment or repeal of the bankrupt law, which petition he moved to have referred to the committee on the judiciary with instructions to report a bill for establishing a uniform system of bankruptcy throughout the United States in which the imperfections of the act of 19th August, 1841, should be removed—and, upon these instructions, he moved the previous question. A division took place, and the motion was carried by 83 to 50.

Several petitions were presented from New York, asking that Sunday mails may be abolished.

Mr. *Granger* presented abolition petitions, which were laid on the table.

Petitions were presented, asking that the postage on all letters shall not exceed ten cents.

Mr. Granger also presented a petition from citizens of New York, asking for adequate security for their persons in all states in the union. Mr. G.

The question of reception being raised, was about to be put, when a motion to adjourn was made, and the house adjourned.

WEDNESDAY, JAN. 19. Mr. Bidlack arose and having announced the death of the hon. Davis Dimeck, a late member of this house, who first appeared

and who died on the 13th inst. at Montrose, Susquehanna co., Pa., delivered an eulogy upon his character, and then submitted the following resolutions, which were adopted.

Resolved, That at this house have learned with feelings of deep humility the intelligence of the decease of the hon. *Davis Dimock, jr.*, late a member of this congress, and as an evidence of the sympathy which the members entertain and hereby tender to his surviving relatives and personal friends, they will wear crape on the left arm for many days.

Resolved, That as a further mark of respect for the memory of the deceased this house do now adjourn. And thereupon the house adjourned.

CHRONICLE.

UNITED STATES BANK OFFICERS. The investigation of the charge of conspiracy made against Nicholas Biddle, re-mailed the last evening of the recorder and the depositions, Nicholas Biddle, Saml Jaudon, Thos. Dunlap, Joseph Cowperthwait and John Andrews, were each bound over to the sum of \$10,000, to appear at the present term of the court of general sessions, on the 14th of January.

(See last January 13.)

COMMERCE OF BALTIMORE. Total arrival from foreign ports during 1841, 402. Arrivals from eastward ports, 353. Cleared for foreign ports 420. Cleared coastwise, 353.

COMMERCE OF THE WESTERN LAKES. The following particulars of the commerce of the western lakes, from the same source, are given: The report of the United States engineer, dependent on the lakes, by a gentleman of "Boua," is made up, says the Buffalo Commercial, "from precise and accurate data which cannot be gained."

Previous to 1831 the whole commerce west of Detroit, was confined almost entirely to carrying up provisions and goods for the Indian trade, and supplies for the troops, and bringing back the produce of the fur trade.

From 1819 to 1836 one voyage annually was made by a steamboat to Michigan, and in 1832 steamboats chartered by government first appeared at Chicago, then an open roadstead.

In 1836 there were eleven steamboats, which cost \$300,000 at Buffalo. These boats took away from Buffalo 42,566 passengers and brought back 15,526; and carried 252 passengers and freight that year. They received 252 passengers and freight that year. They received 252 passengers and freight that year. They received 252 passengers and freight that year.

In 1841 there were 18 steamboats, at a cost of over \$600,000. The whole amount received for freight and passengers was \$23,265 92 of which \$9,372 was cleared as earned, west of Detroit.

For the years 1833, 6, 7, 8, 9, no details could be prepared without vast labor, and the attempt was therefore not made.

In 1840 a steamboat association had been again formed that embraced all the boats. Their number was forty-eight, from 150 to 700 tons burden, and the cost of their construction about \$1,000,000. The aggregate earnings were \$755,524 45. Eight boats ran regularly to Chicago, whose aggregate earnings were \$302,757 93; of which \$201,138 may be considered as business west of Detroit.

In 1840 the aggregate earnings were \$767,132 27; of which \$226,352 were earned west of Detroit.

For estimating the amount of business done by the rail road, no precise data are at hand. It is estimated that 250,000 tons of freight were carried, varying from 20 to 350 tons burden. Their cost is estimated at \$1,200,000, and the freight carried at \$750,000. Exact data cannot be obtained without consulting the custom house books at every point on the lakes.

In addition to these the vessels owned on both sides of Lake Ontario, which pass through the Welland canal and push their trade to the extreme end of Lake Michigan. The number that passed through the canal, was in

Steamers	1840	1841
Scows and boats	1,563	1,972
Tonnage	202,252	247,911

The amount of freight on this property, which was grown on the Ontario side of these waters, and earned on Lake Erie and the upper lakes, is estimated at \$1,000,000, and the aggregate commercial business on these lakes is estimated at \$1,700,000.

COMMERCE OF THE NORTHERN LAKES. The Detroit Advertiser gives a brief history of the progress of commerce on the northern lakes. In 1819 there was but one steamboat on them. In 1833 there were 11, costing \$100,000 and receiving \$222,212. The time of running from Buffalo to Chicago was 22 days. In 1841 there were 15 boats in service costing \$600,000, and earning \$235,360. In 1840 there were 18 boats, making the voyage in 16 days. In 1839 the boats increased to 43, their cost \$2,200,000, and their income to \$755,524. In 1841, 323 trips by steam were made from Buffalo to Chicago, and 81 to Upper Lake. Earnings of all the boats, \$767,132. The number of sail vessels for the year is estimated at 230, their cost at \$1,200,000, and their earnings at \$755,000. The earnings of all the boats were about \$1,000,000, making a total for the past year of \$1,607,132. The emigration and licensed tonnage on the lakes for 1841 was 11,184 tons, of which 11,343 was at Detroit, 9,511 at Cleveland, 8,346 at Oswego, 4,000 at Buffalo, 3,043 at Sacket's Harbor, 2,643 at Huron, 170 at Mackinac, and 230 at Niagara.

EXCHANGE. New York on Boston, par a day; Philadelphia 5/8; Baltimore 3/4; Richmond 4; Charleston 1 1/2; Augusta 4; Mobile 1/2; New Orleans 2 1/2; Cincinnati 1 1/2; Louisville 1 1/2. The exchange on London and Ohio rail road orders are at 114 1/2 discount for Baltimore bank notes; specie 3 1/2; bills on London 13.

EXTRA ELECTION. The election for a delegate from Queen Anne's county to the legislature of Maryland, were a few years ago, at the Old River, and the election in favor of the Van Buren candidate, *Wagon* who received 605 votes; *Hopper*, (whig), 591—majority 11.

GRAIN—imported into Boston, during the year 1841—Of corn, 2,045,224 bushels, oats, 356,503; rye, 34,128; shorts, 43,947.

MISSISSIPPI. The message of Gov. Mcutt does the entire figure, for repudiating the \$5,000,000 bonds of the late failed bank, and his excellency comments upon the triumph of the anti-bond paying party, in strains of exaggerated exaltation. He proposes to the legislature the propriety of examining under oath, all of the commissioners who were charged with the management of "The Affairs," he says, "it condensed into a report, and published, will prove that Mississippi stands fully justified in the stand she has taken, and that her faith, justice, honor, dignity and integrity remain unimpaired. Interest upon these bonds has not been paid for the last twelve months; and the governor says the Union bank will not hereafter be able to pay any portion of either principal or interest."

In due time, interest upon these bonds has not been paid for the last twelve months; and the governor says the Union bank will not hereafter be able to pay any portion of either principal or interest."

Resources.
Bills receivable, bills of exchange, suspended debt and loans on mortgages, \$3,103,377 10
Cotton notes, 1,090,900 81
By drafts, 1,730 40
By bank, 117,779 76
Of real estate, 2,250 42
Notes of various banks, 3,302 81
State—Trust fund to pay costs of suits 2,982 612 19
Paid by branches, \$7,396,613 49

Liabilities.
Baring, brothers & Co. as security for which they have 7,000 bales of cotton insured, \$261,366 95
State treasurer, 32 93
Perry, Colfax, trustee, 3,302 81
Assessors, certificates, 1,901 65
Circulations, including amount Cash held by the branches, \$2,207,730 00
Debt the amount of cash received by the branches, 223,363 41
Which leaves the amount of "actual circulation," 1,572,366 59 1,572,366 59
Certificates of deposits, 101,822 06
Assessors, 1,338 46
State bonds disposed of by the bank in August, 1833, \$1,247,238 84

The message says, that the avails of the \$5,000,000 bonds were all squandered within eighteen months of the bank commencing discounting. The value of the assets is estimated at \$1,000,000. The management, and under favorable circumstances, the bank, at some far distant day, may take up its circulation.

The message comments with severity upon the distribution of the assets, and the distribution of that portion of it which grants pre-emption rights, from which great advantage is expected to the state.

The finances of the state do not appear to be in a very flourishing condition. (N. O. Rev.)

MECHANIC. Gov. Barry's message. Seven and a half columns of the Detroit Daily Advertiser are taken up with the various touches upon many subjects, and in a diffuse manner.

The school system of the state receives attention. It is recommended that the various existing enactments on the subject of public instruction be condensed into one, and published in such a convenient form as will ensure its circulation throughout the state.

The distribution law is condemned—but in moderate language. The rejection of a dividend, and the sale of the stock should be protested against. This no doubt will answer all the useful purposes of political opposition.

The system of *internal improvements* projected in Michigan some years ago, when speculation was the main object of the day, embraced about 500 miles of rail road, 253 miles of canal, and the improvement of five rivers. The probable cost would not have fallen short of fifteen millions of dollars, and the project was abandoned.

The governor recommends that such works as are near completion be finished, if possible, and that all action be restricted to such, including only those works as are now in progress.

The debt of Michigan now amounts to \$4,200,000. There is due to the state from the Morris canal and banking company, and from the U. S. bank of Pennsylvania, about two millions for bonds sold to state institutions.

The following paragraph exhibits a bad condition of the state's financial affairs:

The same party, who held the great revenue of the state, in November last, as well as the interest due on the bonds of the present month, the late administration have found it impossible to meet, and the accounts then due consequently remain unpaid. This is, however, of present ability to pay anything interest, should it be made to be paid with indifference the faith of the state that has been pledged for both interest and principal. Our present inability to pay in a want of disposition on our part, and it should be our constant effort to procure the same.

The annual interest due on the bonds issued by the state, for no provision is made by existing legislation, is about \$1,000,000. This amount cannot be raised by direct taxation on the part of the state, and the only resource is to be found upon them. Indeed, under the present circum-

stances of the country, little or no more can be raised from that source than will be required to defray the current and ordinary expenses of the government, and the equitable settlement of the state in relation to the five million loan, the principal, and consequently the interest, will be greatly lessened. It may comport with your views to lessen either, or actually to cancel our indebtedness by giving the five hundred thousand acres of land, relinquished to us by congress, or other property belonging to the state, in exchange for our bonds, in the event an arrangement to that effect can be made. The entire exequible settlement of the state, under the present policy, is by every true principle of political economy.

Under these circumstances, the state herself failing to meet her obligations, and under the pressure of circumstances which bear upon all, the governor with that peculiar consistency which prevails in some other quarters, as well as in Michigan, insists upon a compulsory settlement of the state, and the payment of the payments forthwith. Where they are to get enough to supply circulation specie, or how they are to keep it, the governor does not say. (Balt. Amer.)

MOD IN CINCINNATI. A disgraceful and lawless proceeding occurred at Cincinnati on the 11th inst. Some of the law-abiding citizens of that city, not fair, perhaps, because the objects of assault, were forcibly taken possession of, and their books, papers, notes and fixtures were destroyed and thrown into the streets. The officers of the law, and the city authorities, failed to do the civil authority in protection of the laws. A few spirited individuals did their duty, but the mass of the community evidently folloed their arms and were mere "mobsters." The call for the city government to convert and protect their authority, was ineffectual. Some of the firemen attempted to arrest the proceeding, but they and the few civil officers that were active, were driven off by the mob. The Cincinnati news was fully and accurately reported. The mobsters had escaped with the valuables. The MIAMI BANK was next assailed, its vaults forced and the books, notes, &c. strewn in the streets—\$254,000, of which \$18,000 were in specie, and the remainder in notes, and \$126,1 in specie. One individual with \$24,000 in notes has been arrested. LOGGIE'S office was run upon all days, but paid to the utmost. THE MECHANICS' AND TRADERS BANK was threatened, but escaped.

TEXAS. By the arrival of the steam packet New York, we have received our files of Texas papers to the 10th inst. The message of president Taylor to the department of commendable brevity. He begins by informing congress that he shall present to them facts and truth in their simplest dress, and that there is a little cause for the state of Texas, and that the state of Texas was declared in the message of his predecessor. With the United States a more definite and specific treaty is needed. Towards Mexico Texas stands in precisely the same position as it did in 1821. The state of Texas recommends no interference in the revolutions of that distracted country, and a sort of armed neutrality towards the people of Mexico.

The remarks of the Texas tribics are far from satisfactory. Gov. Houston urges the establishment of trading posts along the western border of Red river, protected by adequate force, and thinks this would serve to conciliate the Indians and keep them quiet.

The message of the Texas tribics is far from satisfactory. Gov. Houston urges the establishment of trading posts along the western border of Red river, protected by adequate force, and thinks this would serve to conciliate the Indians and keep them quiet. The nation is not only without money, but without credit. As a remedy for these evils the message proposes a total suspension of the redemption of the national debt until such a time as the government can redeem in good faith such as is ought to redeem. It further recommends the repeal of the law authorizing the assessment of double taxes, the reduction of the direct tax one-half, and that the government should redeem in gold or silver, or in paper of unquestionable value.

The message is in favor of a new issue of paper—a pretty expedient truly to retuse the liquidation of one of our national debts immediately to the government for the redemption of this note \$350,000, it is proposed to reserve a million of acres of ground known as the Cherokee country. A loan of three hundred thousand dollars on the security of the public domain, is likewise suggested.

The message concludes with some sensible recommendations of retrenchment. (N. O. Rev, 10th.)

THE PENNSYLVANIA COAL TRADE. A table is published in the *Journal* showing the quantity of anthracite coal sent to market from the different regions in Pennsylvania, from the commencement of the trade in 1820 to 1842, together with the annual increase and consumption. In the year 1820, there were only 265 tons of anthracite coal sent to market, which was shipped from the Lehigh river. In 1831, the consumption of anthracite coal amounted to 150,000 tons. In 1841, including an overstock of 50,000 tons, the supply of anthracite in market was 1,000,366 tons, independent of the Wilkes-Barre coal. In 1831, the consumption of anthracite in market has been a steady increase annually in the amount of coal mined and consumed. With the exception of two or three seasons. Although the mining of coal for exportation commenced in 1821, the consumption of anthracite in 1835, five years later than the Lehigh, there has been 1,037,916 tons more sent to market from the Schuylkill region than from all the other anthracite regions in the state combined.

THE JEWELS OF THE PATENT OFFICE at Washington lately purchased for \$200,000, on the 10th, while on their travels via Baltimore to Richmond.

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CHRONICLE.

THE communication of E. L. relative to the amount of importations and exportations and the theories entertained upon the subject of the balance of trade, has been received and will be inserted.

CONGRESS. Would that we could blot out forever most of the proceedings that have occupied the attention of the house of representatives for the last few days. We grow sick at heart in contemplating the scene there presented, fully persuaded as we are, that whatever nation allows its legislative body habitually to recur to a state of anarchy, is unequalled for the enjoyment of a permanent republican government. Our task however is imperative, the record must be preserved, if it be but to furnish an admonition to those who shall succeed the present generation. Next number will contain a condensed account of the proceeding to which we allude.

FOREIGN ARTICLES.

By the arrival of the steamer Britannia at Boston, on the 23d, Liverpool dates to the 4th and London to the 2d inst. have been received.

A MINISTER EXTRAORDINARY.—FROM GREAT BRITAIN.

One of the most important items of intelligence by this arrival, is the appointment of Lord Ashburton as a special minister to the United States for the purpose of entering into negotiations for the final settlement of all difficulties between the two countries.—It is not probable that the position of Mr. Fox as resident minister here will be in the least affected by the arrival of this new diplomatist from the British court. This appointment cannot be regarded otherwise, so far as we can judge from all that has been published upon the subject, than as a proof that the present British ministry are desirous of terminating amicably the various unpleasant difficulties at present existing. The appointment of a gentleman having, from weighty considerations, every conceivable inducement to preserve peace between the two nations, interested with and possessing the confidence of commercial men every where, associated with us by family connections and having large landed estates here, cannot but be regarded as a friendly indication on the part of the British government. His identification with the great bankers, Baring & Brothers, has furnished a pretext to the panic makers to surmise that one of the objects of his appointment is to demand in some form a recognition by the United States government, of the state debts owned in Europe. That one motive of Lord Ashburton's visit to this country may be to look after the deep stake which Europeans have in the security of their investments in American stocks, we readily admit to be probable, but that any of them seriously contemplate urging the interference of the general government in the premises, we do not believe. They have been distinctly apprized of the true posture of their adventures in our funds, and must like ourselves, be content to keep the responsibility where it was when they contracted: We are prepared in all sincerity to welcome the new minister as the harbinger of peace, persuaded that he is not frightened from any unembarrassments.

GREAT BRITAIN.

The Great Western reached Bristol on the 16th of December, having made the voyage in thirteen days. The *Recluse* left after a passage of eighteen days. The *Caledonia* on the 16th, in eleven days from Halifax. The *Jedda* on the 31st, in the same time. Parliament to meet on 3d February, and the queen had signified her purpose of opening the session in person.

Mr. Everett, the American minister to the court of London, with Mrs. Everett and family, arrived in Upper Grosvenor street, from Paris, December 13. On Thursday, Mr. Everett proceeded to Windsor castle, on a visit to the Queen, and on the following day he took leave. On Wednesday, the 23d, he paid visits to members of the royal family in London.

The cultivation of cotton in the West Indies, on the American system, it is said is proceeding most satisfactorily. One of the superintendents says, "It only requires the means, constant application, decision, industry, and perseverance, to make this beautiful and productive country the largest producer of cotton in the world."

EUROPEAN TREATY FOR THE SUPPRESSION OF THE SLAVE TRADE.—A treaty was signed in London, Dec. 20, by the Earl of Aberdeen on the part of Great Britain, the Count St. Aulaire on the part of France, Baron Schlenitz on the part of Austria, Baron Kohler on the part of Prussia, and Baron Brunow on the part of Russia, for the prohibition of the slave trade, in which it is stated the trade in slaves is declared piracy, and the right of search for the detection of violations of the treaty stipulated in the most extensive sense. A similar compact had been previously entered into between Great Britain and some of the minor powers.

The Liberals of the city of Dublin have determined to bring forward Lord Morpeth as a candidate for that city, in the place of the late honorable and lamented conservative member, Mr. West, who died last week, after a very short illness.

The message of president Tyler had been received and read with much interest and satisfaction. Its pacific tone caused an immediate rise in the funds.

The *Excelsior* Bull Exaro.—The final and revised statement of E. B. Smith to the treasury is to the following effect:

"That he was introduced so long back as 1830 to Rapallo, Solari, and one or two of their associates. That soon after, becoming entangled in an accommodation bill, he was tempted to 'borrow' an exchequer bill of £1,000, in order to raise money to meet his acceptances.

"That a speculation was entered into by Rapallo and his friends, which, if successful, was to have extricated all parties from their difficulties. But it proved most unfortunate, and plunged them into increased perplexity and trouble.

"That he subsequently lay in his power at any time to secrete and misapply almost any number of bills, wanting only the signature, and by a simple forgery to turn them into good and valid exchequer bills.

"That no person of rank or public character, whatever, was in any way mixed up in the transaction; the parties being himself, Solari, Rapallo, and another individual, whose office was in Basinghall street, at which place they used to meet and concert their plans.

"He believes the total amount fabricated to be about £340,000; but it is doubtful whether a sum of £40,000 is or is not included in this total.

"He still maintains that this whole amount has been paid, from time to time, in gambling transactions on the stock exchange."

DEADLY RAILROAD ACCIDENT.—On the 24th ultimo a train of freight cars on the Great Western railway was suddenly arrested by coming in contact with a mass of the embankment, that had fallen upon the rails at the deep cutting called the gullet. A frightful scene occurred. The engine, tender, and cars were wrecked, from a time to time, in passing were instantly killed, and fifteen or twenty very serious, some of them mortally, wounded. They were mostly industrious laborers and mechanics.

From the *Morning Chronicle*.

SPECIAL MISSION TO THE UNITED STATES.—Lord Ashburton's appointment has been favorably received,

in commercial circles, and given a tone of confidence to the holders of state stocks. His lordship's appointment will be acceptable to the Americans, as the Messrs. Barings have been for many years most extensively engaged in American affairs, and, in fact, the agents of the American government in monetary operations. His lordship is besides a citizen of the great republic, and one of the largest landed proprietors, too, in the state of Pennsylvania. His talents as a man of business are well known. He is one of the largest house-holders in the United States, and lady Ashburton (late Miss Bingham) is an American by birth. Well versed in the history and value of state bonds, and of the peculiar structure of the American constitution, he will be able to press upon the attention of the Americans the necessity of practical provision for their public engagements. The Americans themselves are the greatest sufferers by the distress with which their securities are looked upon, for they are thereby deprived of one of their principal means of supporting their own prosperity, and until their credit be restored, their trade and manufactures must be in a depressed condition. An satisfactory arrangement of their differences with this country is, in the first place, absolutely necessary, as a prelude to the future happiness and welfare of the union; and this important object, we trust, will now be accomplished.

From the *Times*.

It gives us much pleasure to announce that the right hon. Lord Ashburton, at the request of her majesty's government, is about to proceed to the United States on a special mission, with the object of settling all existing differences between that country and our own. His lordship, who will sail in a few weeks, had been asked to undertake this service and had consented to do so, before the president's message had been received, so that the object of the mission, whatever be its character or results, has been had recourse to wholly irrespective of anything contained or omitted in that document. The step itself, we think, is a wise one, inasmuch as the introduction of new elements of irritation contingent upon either delay or success, would naturally render an amicable adjustment unattainable, and involve both countries in all the horrors of war.

Two things are clearly demonstrated by the appointment of this special mission: in the first place, that the conservative government, instead of initiating the wings in prosecuting a series of speculative political experiments are steadily addressing themselves to the repair of social and political evils, as by endeavoring to root out mercantile confidence, and, secondly, that Sir R. Peel's ministry is intent, by all practicable means, upon maintaining the blessings of peace.

Neither must it be supposed that Lord Ashburton's mission necessarily implies any deficiency in the instructions or powers of the American minister at her majesty's court. Those who are ambitious and powerful, we have no reason to doubt, are of a generous order; while, from a known discretion and ability of Mr. Everett, as well as from the very short period during which his excellency has been in this country, the presumption is, that, for various satisfactory reasons, it has appeared that the disputed points between America and England, which have hitherto been committed to Lord Ashburton and the Washington cabinet. The appointment of a special ambassador from this country is, of itself, a piece of marked respect to the United States government, which can hardly fail of being duly appreciated, and of moving the way for an amicable negotiation. The selection of Lord Ashburton for such a delicate mission secures us, upon the whole, to be deserving of commendation. His lordship is, by universal acknowledgment, the prince of British merchants.

FRANCE.

The ministry have triumphed largely in the house of deputies. M. Sauzet being elected president by 129 over M. Lamartine, and of 84 over both M. Lamartine and M. Buge.

An endorsement had been published, accompanied by a report from marshal Soult, reducing the French army one company in each battalion, or from 353,000 to 344,000 men, and 15,000 horses, by which a saving will be made of 30,000,000 francs per annum.

The whole of the persons accused of having taken part in the attempt to assassinate the royal duke, a

well as those charged with being concerned in the complot in which the attempt was said to have originated, have been found guilty, with the exception of Prioul.

Quenisset, the principal, Colombier, the owner of the wine shop, and Just Brazier, are condemned to death. Dufour, having no doubt confessed, is sentenced to deportation for life, with Alexandre Petit and Jarrasse. Boggio and Mallet are sentenced to fifteen years detention; Lanois and Baucheron to ten years. Dupuy is condemned to five years detention, and Bozin undergoes the same sentence. Bonzet, Considère, Martin, Fongezay, and Prioul are acquitted. It is understood that the life of Quenisset will be spared.

The conviction of Dupuy was considered as a violent attack upon the freedom of the press.

The king of the French opened the session of the chambers on the 27th ult. with the following speech from the throne:

"*My lords peers and deputies:* Since the close of your last session, the questions which excited in the east our just solicitude have just reached their term. I have concluded with the emperor of Austria, the queen of Great Britain, the king of Prussia, the emperor of Russia, a convention which concentrates the common intention of all the powers to maintain the peace of Europe and consolidate the repose of the Ottoman empire.

"The great burdens imposed upon the country have experienced considerable reductions. It would have been my lively wish that a balance should have been immediately established between the expenditures and revenues of the state, which you will achieve without weakening our military organization, and without deferring the execution of those works which are to increase the national prosperity.

"A project of a law will be presented to you for completing the principal line of a great system of rail roads, calculated to ensure those rapid and easy communications with all parts of our territory which will prove a source of force and riches to the nation.

"I am endeavoring, at the same time, by negotiations prudently conducted, to extend our commercial relations, and open new markets for the productions of our soil and our art.

"Such labors honor peace, and render it stable and fruitful at the same time. I have reason to reckon that it will not be disturbed, receiving from all the powers the most amicable assurances.

"I have taken measures to prevent any external complication from disturbing the security of our African possessions. Our brave soldiers are pursuing on the coast, and land and forever French, the course of their noble labors, in which I am happy that my sons have had the honor of concurring. My perseverance shall complete the work undertaken by our courageous army, and France will introduce into her civilization as the consequence of her glory.

"The financial laws, and others having for their object to introduce useful improvements in the public administration, will be presented to you immediately.

"Whatever may be the burdens of our situation, France would support them without difficulty if faction did not unnecessarily obstruct the course of her powerful activity. I will not dwell upon the intrigues and crimes of the factions, but let us not forget gentlemen, that it is that which debars our country from fully enjoying all the blessings which Providence has caused to appear, and which retards the development of that legal and pacific liberty which France has at last achieved, and of which I make it my glory to ensure her the possession.

"We shall follow up the task, gentlemen. My government will do its duty. It will maintain ever and constantly the authority of the laws, and cause them to be respected, as it will respect them itself. Your loyal support without difficulty if faction did not unnecessarily obstruct the course of her powerful activity. I will not dwell upon the intrigues and crimes of the factions, but let us not forget gentlemen, that it is that which debars our country from fully enjoying all the blessings which Providence has caused to appear, and which retards the development of that legal and pacific liberty which France has at last achieved, and of which I make it my glory to ensure her the possession.

SPAIN.
Intelligence has been received from Madrid. By a decree, the regent had suppressed the whole cavalry of the royal guard, the officers of which all belonged to noble families. These corps are to be replaced by two regiments of infantry and two of cavalry. The high and very significant names had been given; the Duke of Albufera, and the Duke of Medina and Isaura, and the others of Sagunto and Paria. It had been resolved that, hereafter, the guard of the palace should be entrusted in turn to the different corps of the garrison.

The cortes of Spain were opened with great pomp at Madrid on the 26th December. The young queen and regent were present, and were seated on the throne, the regent on the right and the queen on the left. The president of the council handed the speech to the queen, which she passed to the regent, who read it. It is much taken up with local questions, the state of the roads and bridges—of the means of education—of the Basque provinces for reforming the judiciary, and rendering judges independent. But it is a remarkable speech from a Spanish throne. As to European nations, it speaks of the relations with all as friendly. There is no specific allusion to the United States. Treaties have been made with the republic of Ecuador, Uruguay and Chili, and with the other republics, not yet recognised the same conduct will be adopted. Apartments were preparing for the reception of the infant Don Francisco and his family.

It was expected that the municipal elections both in Madrid and in the provinces would be carried by the democratic party.

The ministry had prepared a municipal bill, which was said to be extremely liberal, and no doubt was entertained that it would meet the approbation of the cortes. Several other bills, equally important, were also on the point of receiving the sanction of the cortes; and among them was one relative to the cottons of Castilian manufacture, and another regulating the corn trade.

AUSTRIA.

The French journals contain a letter from Vienna stating that the commercial and financial crisis having compelled the undertakers of rail roads to demand government that they must either suspend or delay their labors, the Austrian cabinet, which attaches the highest importance to the termination of the rail road between Trieste and the Danube, has come to the decision to aid the contractors. A disarming has consequently been ordered on a great scale. Thirty thousand horses are immediately to be disposed of, and the sums arising from this sale, and from others connected with the disarming, are to be exclusively applied to public works, but especially to rail roads.

ALGIERS.

Algerie, it is said, is to be constituted a vice-royalty, and the duke de Nemours to be made viceroy. The French minister of war has received from General Bugeaud a dispatch dated Algiers, December 6, containing the intelligence that several thousand of the banks of the Tafna have been sent to the mouth of that river to convey their chiefs to Oran. This news was announced to the governor general in a letter from Colonel Tempourre, commandant of native cavalry, had gone to meet the chiefs at a distance of twelve leagues from that town.

Colonel Tempourre, had also sent word that Ben Hammed, Abdel-Kader's khalifa at Tlemcen, had been completely defeated by Ali Yamani, who is allied to the French, and had been forced to retire toward the frontiers of Morocco with only 250 horse; that the regular battalion had been entirely dispersed that the men had disbanded and retired to their homes; that all his baggage had been pillaged, as had also been the town of Tlemcen, by the Arabs, and that this place had been completely evacuated by Abdel-Kader's adherents. General Bugeaud and the Beni Zrouet, on the one side, and the Beni Cheh, near its mouth, were in open revolt against the Emir.

General Changarnier had made another sortie from Blidah into the Atlas, and had brought in some prisoners and cattle. All the Sahel, or hilly country between the frontiers of the Medja, was perfectly tranquil—natives continued to trade with the French in Algiers, and some had reported that Ben Salem had been again defeated by Ben Diar, khalifa of El Mokrai, who is the chief the Medja, and allied to the French. Lieutenant Pelle had returned to Algeria with a razzia among the tribes of the east. He had killed 200 sheep and 1,500 cattle, and had broken 20 Kabyles.

RUSSIA AND CIRCASSIA.

Intelligence had been received at Constantinople, by way of Trebizond, of a victory gained by the Circassians over the Russians; the most signal and decisive, it is said, that has occurred since the beginning of the war.

A large expedition, consisting of thirty thousand men, had been disembarked on the coast, with a view of destroying the grain, which had been cultivated by the Circassians after the harvest, when a storm having suddenly risen drove the ships from their anchorage.

The Russian officers, availing themselves of the opportunity, assailed them fiercely from every side, and the Russians, separated from their stores, which had

been carried out to sea, were compelled to commence a disastrous retreat through a country consisting entirely of mountain, forest, and dells.

The exception of two thousand, who escaped to Anapa, the whole of thirty thousand were killed or made prisoners; such are the accounts received from Trebizond. Further details of this tremendous disaster of the Russians are eagerly expected.

TURKEY AND THE EAST.

By the Levant mail, we have advices from Constantinople to the 27th, Alexandria to the 25th, Smyrna to the 26th, and Athens to the 30th Nov.

The armaments continued in the most national cause being assigned for such demonstrations. Jealousy of Greek intrigue, and a vague apprehension of the future, appear to be the only motives for the sultan indulging in so much unnecessary expense. Kosrew Pasha is living in a retired manner, and apparently is not desirous of again entering into the councils of the Porte.

Selim Pasha, with an army of 3,000 men, has forcibly pacified the Maronites of Lebanon; but the Druses retired into the mountains and defied him.

The chief features of the advices brought by the Levant mail were the change of ministry at Constantinople, the appointment of Ismet Nispet pasha to be grand vizier in succession to the late Reschid Pasha. Accounts from Athens had reached Malta, announcing that the king of Greece had declined the mediation of the three powers to whom the Porte had addressed complaints, declaring himself the head of an independent state. It was rumored that the Turkish fleet would direct its course towards Greece in a few days.

The Journal of Smyrna of the 9th ult. announces, under date Beyrout the 1st, that the energetic measures taken by the Turkish authorities had put an end to the calamities with which Syria was visited during the last two months. Reschid pasha, at the head of a strong Ottoman force, had arrived at Zable, in time to prevent the participation of Christians from resorting to cruel reprisals against the Druses, and to repress all further hostile movements on either side.

Troops sent from Damascus replaced in that position those commanded by Reschid pasha, part of which occupied Deir-el-Kamar, and the rest returned to Beyrout. The pasha of Damascus succeeded in averting the threatened participation of the Christians in the Musulman population. Detachments of troops patroled the streets day and night, and maintained public tranquillity.

Several Musulmen, convicted of having burnt two Greek churches, had been sentenced to the galleys, and to the payment of the costs of their reconstruction. The Greek patriarch, in return for the favor of the offenders, had obtained a remission of the first part of the sentence. On the 23d November, an English war steamer reached from Malta, with orders for the British to evacuate Syria. All the officers, detached here and there throughout the country, had in consequence been immediately recalled.

The park of artillery at Beyrout, and the rest of the material was already partly re-embarked, and the final evacuation was to take place on the 4th. The English station before Beyrout was to consist of only two steamers and a frigate. The French had a brig and a corvette on the coast, and the Austrians a corvette. The latter, however, were expecting another vessel of war, with a view to the removal of the general of Austria in Beyrout, on board.

From Egypt we learn that the new tariff of duties has been put in force in Cairo, which authorises the exaction of 9 per cent. interior duty on exports, and 2 per cent. interior duty on imports, whilst an additional 8 per cent. import and export duty must be paid at Alexandria.

"The cotton crop of last year," says a correspondent, "has been very small in consequence of the great devastation of the Nile, and it is expected that that of this year will not be much more abundant, owing to the same cause. Of 73,640 bales exported last year, 20,340 bales have gone to Liverpool, 35,421 to France, 1,000 to the United States, and the only now remain in store about 1,500 bales more. Only a few bales of the new cotton have yet arrived in Alexandria."

NATIONAL AFFAIRS.

TRADE AND COMMERCE.

THE TRADE OF THE LAKES. The *Buffalo Commercial Advertiser* of the 29th repeats the request that we will do justice to the statements they have made with a view of correcting the errors which they attribute to General TALLYMANT, but which as is shown in the communication which we insert below from the gentleman, ought to be attributed, if they exist, not to

General Tallmadge, but to Mr. Woodbury, the late secretary of the treasury, from whose official report to congress Mr. Tallmadge derived the statements which are objected to as erroneous.

In the Register of the 15th inst. the first one published after receiving the Buffalo paper containing their statements and remarks in relation to this subject, we inserted the article from that paper almost entire, for the purpose of eliciting the truth. Whatever and wherever truth be, to that our allegiance is first due, and so far as is in our power that obligation shall be fulfilled. Our publication has had the desired effect, by calling forth the explanation which follows from General Tallmadge, but which, as it relates also to another and more general topic of interest, we place under the caption of

FOREIGNERS AVAILING OF OUR FREE TRADE SYSTEM TO MONOPOLIZE ALL TRADE.

NEW YORK, JANUARY 19th, 1842.
To the editor of "Niles' National Register."

SIR: The agent for your Register, a few days since, showed me the paper of January 15, containing your remarks with extracts from the Buffalo Commercial Advertiser, of 29th ult., in relation to the address delivered by me at the American Institute, in October last. The extract from the Buffalo Advertiser says—"general Tallmadge makes the following statement, professing to be derived from the documents sent to congress second March, 1841—showing the tonnage and vessels which entered the United States in 1840."

"The commerce and navigation on the western lakes exhibit a cease yet more extraordinary:

Kake Ontario.	Vessels.	Tonnage.
American,	509	63,317
British,	1,011	213,060
Lake Erie.		
Detroit—American,	7	503
British,	155	12,000

Buffalo, Cleveland and other places seem to be omitted, and the tables are too imperfect to state the commerce of the Upper Lakes."

Your extract continues;—"the figures here given for number of vessels, must of course be intended for error."

"Now what does this statement mean? Is it pretended, in the face and eyes of facts, that the commerce of Lake Erie is almost entirely in the hands of the British and carried on in British vessels? The reverse of this is known to be the case by every man of common intelligence, who has ever heard of the commercial transactions of our western waters! This is very true, and therefore, general Tallmadge, deceived the tables, besides the omission of Buffalo, Cleveland and other places, was to me too imperfect to state the commerce of the Upper Lakes."

Your extract continues—"to show the glaring error of general Tallmadge's statement with regard to the business of Detroit, we give the amount of tonnage, registered at Detroit, for the year 1839—341 American vessels—derived from an official source. There were 22 steamboats, 36 schooners, 8 sloops, 1 brig and 1 ship, with an aggregate tonnage of 7,472 tons. The return of 1840 must show an increase of this result, so much more important to the commerce of American vessels, with the grand total of 1,333 tons produced by their aggregated business!"

Was there ever, such an unworthy perversion of an address, giving a table from a public document, sent to congress 2d March, 1841? The omission of Buffalo and other places pointed out, and the table declared to be too imperfect to state the commerce of the Upper Lakes. Yet your extract has the assurance to call it "general Tallmadge's statement," in his desire to make out his case."

This bold denial, is evidently without any reference to the table 2d March, 1841. It is now before you. It was read at the public meeting, and it now is to be read: page 272 of Mr. Woodbury's report from 1840, as follows:

Detroit—Michigan.	No. Vessels.	Tonnage.
Entered—American,	7	503
Foreign,	155	12,310
Cleared—American,	68	4,796
Foreign,	119	2,570

In a like table of the commerce of the lakes for 1839—page 278—280. It is stated

Detroit—American,	No. 43.	Tonnage, 9,206
Foreign,	39,	2,162

In the same table is the following—
New York—American, 1579
Cape Vincent, 1329—the same Cape Vincent sent 1840 "

to gain credence, for public tables containing such seeming discrepancies, and representing the village of *Cape Vincent* as having entered in 1839 more vessels than New York, and more than double the number of Boston. So too, the tables 1840 of "entrances" and "clearances," and certain known districts—Buffalo creek in particular, or any other districts on Lake Erie, within the state of New York. These and several other like circumstances, induced a belief that errors had crept into some of the tables, and they were not to be relied upon as an accurate statement of the commerce of the lakes; especially as they set down the commerce of the lakes and the Atlantic cities to the "British American colonies" as much less than the apparent and believed amount and shipments of American produce to Canada alone.

The object and the inquiry is after correct information. The tables do not purport to give the coasting trade, but only to set down the coasting tonnage.—Perhaps all may be correct, and "all discord, be harmony, rightly understood." But the local press would oblige the public to give statistics of both the foreign and coasting trade.

The American Institute, has long been desirous to obtain correct tables of commerce and especially of the commerce of the lakes. About a year ago, one of its members, a request was made, through the "Times and Star" newspaper, asking the western press to collect and give the statistics of the lakes; and suggesting as a reason the supposed imperfections of the public tables. It is only when objections are urged against American produce, being diverted to British channels, to aggravate a false power, that certain presses in America can be aroused into action, and then in active vituperation.

The published address professes to be "a summary report," and certainly is known to a very numerous audience to be only about one-third of the spoken word. Yet by the same summary, and indiscreetly states the supposed imperfections of the country's tables; and then proceeds in nearly two pages to conjecture the amount of the diverted trade, from circumstances; from hearsay; from public rumor; from mercantile letters; from the alleged sudden rise of tolls on the Welland canal from £12 to £50,000 tons. Yet by the corresponding decrease of the tonnage and tolls of the New York canal, all the tonnage and tolls of the New York canal, which is withheld, by the paper from which you "extracted," while it seizes upon one of the conjectures; as to the Welland canal, and says it is not well founded. If either, or all of the circumstances so conjectured above suggested are found incorrect, it may vary in proportion, but will not effect the principle urged: the diverted trade.

Mark the following: stated from the table of the New York canals—and which is omitted in the reported address.

1535 Freight Tons.	153,191	Tolls.	\$1,548,956
" "	636,347	" "	1,614,336
1837 "	611,757	" "	1,292,623

This decrease of freight and tolls, followed the loss of our West India trade, under our diplomatic agreement. British regulations to cherish her carrying trade, at the same time began, to divert American produce by the Canadas and the Welland canal; and notwithstanding the opening of other canals and tolls into the lakes, and the new settlements and greatly increased productions, and equal in extent to that upon the New York canal, not regained in 1840 the amount from which it fell in 1835.

To appreciate the importance of the lake trade, it must be remembered, they extend in land, more than 2,000 miles; and into valleys and a country unequalled in fertility; and presenting a sea coast upon the American side of the lakes, more equal in extent to that upon the Atlantic. It is known, the Welland canal claims more than a moiety of the produce which other floats on the lakes. One of the topographical engineers, in a report April 20, 1841, states the wheat imported from American ports as 2,310,000 bushels, and the bulk of such an importation has been given to the Canadian trade, that the wharves and storehouses, hitherto in use at Kingston, were last year found totally inadequate, and property was piled upon the wharves and covered with temporary sheds. Vessels laden with produce, after being detained three weeks and upwards, waiting their turn at the wharves, finally came over to Oswego and landed their cargoes."

We know that the British had obtained much of the carrying trade of American produce, and were desirous to bring this fact to the attention of our government, but we did not before know we were also furnishing our ports and storehouses, to give facilities to take the carrying trade of American produce to British vessels.

The following table may further illustrate and will afford materials for useful reflection.

"From the Rochester Democrat."
CANAL NAVIGATION—FAIR. &c.

The canal being closed, very little has been done in flour or wheat the past week. By reference to our canal collector's books, we find the quantity that has gone east this year is much less than last. Say cleared from, and passing here

Bush. wheat.	
In 1840,	1,217,534
In 1841,	1,035,962

Deficiency in '41, 221,562 629,968

The greater part of this deficiency has occurred since the 1st of October, as the quantity received at Schenectady, West Troy and Albany from 1st October to close of navigation,

Bush. flour.	Bush. wheat.
In 1840 is	797,053
In 1841,	594,361

Deficiency in 1841, 202,692 220,731

Allow that it takes 4 bushels of wheat to make a barrel flour, and the deficiency at tide water since 1st October is equal to 252,743 barrels flour."

The known customary prices of transportation from Buffalo to tide water is one dollar per barrel of which 34 cents is on the part of the canal, and 61 is for canal tolls. This exhibition of a public loss of water, on this one item of flour, diverted to British markets of \$252,743. It would have required, to have removed this flour to New York, 527 sloops of eighty tons each, carrying 480 barrels each; and four hands to each sloop, would have been employment to 2,091 seamen. Assuming that this amount of flour had arrived at New York, it would have required for its exportation 70 ships of 300 tons each, each carrying 3,600 barrels; and employed 700 seamen. The British understand these results and wisely frame their commercial measures accordingly. The falling off of this one month, in this single article of flour, illustrates the injurious effects of the diversion of the lakes, diverted into British channels. The merchants, the labourers, ship builders, indeed every condition of life, and above all, the employment and advantage for our seamen are injuriously effected. The advantages of the return cargoes are lost—the prosperity of the country and the strength of the nation are essentially impaired. The ship building at New York is yearly decreasing, and many of her vessels are lying without employment at our docks.

In 1839, N. York built 106 vessels tonnage 17,951

1840, 72 " 13,786

"I was aware that the declaration in the address of "That there was an alarming and rapid reduction of American commerce in foreign vessels" would occasion surprise." But it is not on this account, the less true. The tonnage of vessels which entered the U. States in 1839 is

American vessels numbers 7,211 tonnage 1,575,946

Foreign " 4,571 " 712,363

This shewing one-third of the American commerce, in number of vessels and tonnage is in foreign bottoms, and principally under the British flag. Mark its rapid advance!"

In 1821 the British tonnage was 55,188 and the American tonnage was 765,093. This showing the proportion of British vessels which entered the U. States was 7 1/10 (seven one-tenth), per cent. compared with the American tonnage employed in the foreign trade of the United States. In the year 1835 this proportion was increased to 39 per cent. In the year 1840, the proportion of the foreign commerce was about 46 per cent.

The trade between the U. States and the British colonies presents some startling facts. I quote from an able writer.

"The British tonnage cleared from American ports for the British coast in 1834, '35 and '36, was 51,800 tons; the American tonnage cleared at the same ports during the same period, was 477,100 tons. Being more than nine times as much! The British tonnage cleared from the American ports, for the colonies during the years 1837, '38 & '39, was greater than the American tonnage cleared from the same ports during the same period, was 477,100 tons; being nearly eleven times as much as the British tonnage. In 1839 the British tonnage cleared for foreign ports was 421,500 tons! Being equal to one-third of the total amount of American tonnage, cleared for foreign ports; and shewing an increase of four hundred and forty-six per cent. in the British tonnage;

while our own increase of tonnage during the same period, was only fifty-two per cent."

The poet says—

"'Tis greatly wise to walk with our past hours
And ask them what report they bring."
The second act passed by the first congress 1789—
secured to the tonnage of our merchants a monopoly
of the China trade; and gave paramount advantages
in all other foreign trade, by discriminative duties.
A pound of hyson tea, imported in a foreign vessel,
paid twenty-five cents more duty, than in an American
vessel. The same act allowed a discount of ten per
cent. on the duties upon goods imported in American
vessels.

The third act of the same congress fixed a duty of
six cents per ton on American vessels, and all foreign
vessels fifty cents.

To exclude foreign vessels from the coasting trade,
they were subjected to a duty of fifty cents per ton,
for every voyage. American vessels, paid six cents
per ton, only once a year.

Such were the principles of protection estab-
lished by the fathers of the revolution and enacted
the first session of congress on the organization of
the new government. The consequence of this sys-
tem, has been a possession of the whole of the
coasting trade; and for a time an increase of Ameri-
can tonnage unexampled in the history of naviga-
tion. In 1816, the province of Nova Scotia passed
an act intending to secure the trade in plaster of
Paris to British vessels. It became known here in
February 1817, that the royal assent had been given
to this act. On motion of Rufus King 17th February
1817, congress instructed the committee on foreign
relations to "report measures to regulate the im-
portation of plaster of Paris, and to counteract the
regulations of any other nation injurious to our own,
relative to that trade." A bill was reported and passed
in the house; which went to the senate, reading
three times, and with amendments, returned to the
house, concurred in, and became a law in one day.
The hostile measure was effectually and decisively
counteracted.

In 1818, and with almost equal celerity, an act
was passed, prohibiting the entry into our ports, of
British vessels, arriving from places from which American
vessels were excluded. It is due to the memory of Rufus
King, who was an ardent advocate of this measure,
and in truth the parent of the bills of 1817 and 1818.

The spirit, which had sustained us in the recent
war, for "free trade and sailors' rights" had not then,
become extinct. But a shade "has come over us;"
and mark the consequence. In the year 1815, the
"registered tonnage" of American vessels engaged in
foreign trade was \$54,294 tons. The acts of 1817 and
1818, with the system and the spirit to counteract,
which created them, have passed away. The report
of the treasury table No. 17 shews the registered ton-
nage for 1839 to be 834,244 tons (any alleged cor-
rections of the account will not vary the result).—
Thus in the period of twenty-four years since 1815
our position has been doubled; the system of our
commercial regulations has been altered; and the
"registered tonnage" of American vessels in foreign
trade has usually been lower and in 1839 continued
fallen off 20,000 tons in its amount.

In 1813 the "coasting trade" was "enrolled" 513,853 tons.
In 1839 it was 1,027,724 tons.

Thus showing an increase of nearly treble in its
amount of tonnage. The system of its protection,
established in 1789 has been continued, and foreign
vessels have been excluded.

The scheme of giving a free trade, to those who
deny it to us and refuse reciprocity and the sympathy
of foreigners and nations, against our wealth and "burden
the means for the benefit of the free," had not found ad-
vantage into the coasting trade. The contrast pre-
sented in the table of the treasurer will best illus-
trate the experience of the past and afford wisdom
for the future. The "registered" and "enrolled"
and "licensed" tonnage for 1839, together amount to
2,006,478 tons. It is from this tonnage that our Ameri-
can navigation and commerce are represented as
prosperous.

The augmentation of our commerce and naviga-
tion in foreign vessels can never increase our naval
strength. The surrender of the transportation of
American produce to British vessels may aggravate
American trade, but it will not foster a carrying trade,
and a nursery for American seamen. Such mea-
sures can never prepare this country to assert its
rights, and maintain its independence against a col-
ossal and gigantic power,—the like of which the
world has never witnessed—not even in the days of
Roman dominion.

It was asked in the British parliament why certain
commercial advantages had been allowed to Prussia;
they were refused to America? The answer was
that English goods found their way on to the con-
tinent through Prussia; and from her situation, no harm

could come from her; but the United States by their
increasing navigation were becoming dangerous; and
must be kept down.

The case of Wellington, it is said was not long
since asked, if it was probable there would be a war
with the United States? He replied, the time is not
yet! when that comes it will be a big war: see me pre-
pare for it, first!!

To attempt to meddle with the English carrying
trade, would be with her, a cause of war. Her com-
mercial regulations are intended to secure her own
carrying trade, and to supplant that of other nations,
to cherish her commercial marine as a nursery for
seamen, and to build up her naval strength. Such
are the measures of English preparation for a crisis
in affairs.

Allowing a free trade and an open commerce to
nations, which refuse us a reciprocity, an empty
treasury and repudiation with a strict observance of
party discipline; and a congress, busied in taking
"yeas and nays" on questions of order and motions to
adjourn, seems to be the measures of American pre-
paration, for the support and the defence of this coun-
try.

The post character of "Niles' Register" pledges it
to the cause of truth, and its zealous support of all
measures for the public prosperity. This question of
the carrying trade of our produce and the ruinous
increase of American commerce in foreign vessels is
one of immense moment. It is left with you.

I am very respectfully,
JAMES TALLMADGE.

STATES OF THE UNION.

NEW YORK.

FINANCES OF THE STATE. We have before us the
annual report of hon. John A. Collier, comptroller of
the finances of this state, and a more clear, straight-
forward, admirable document never emanated from
that office. It is a fitting counterpart of governor
Seward's message. We endorse the most impor-
tant facts set forth in the report. (N. Y. Tribune.

For what contracted.	Year.	Total amount.
Eric & Champlain canal, (old) 1845	\$2,921,037 25	
Oswego canal	1846	421,304 00
Cayuga and Seneca canal	1846-9	237,000 00
Crooked Lake canal	1850	120,000 00
Chemung canal	1850-60	430,292 23
Chemung canal	1845	2,492,555 66
Oncida Lake canal and river	1850-60	100,000 00

Total of outstanding debt for comple-
ted works 5,732,169 14

Eric canal enlargement	1851-60	6,941,119 29
Black River canal	1850-60	1,076,066 29
Genesee Valley canal	1855-60	2,556,379 82

Total of stocks issued for unfinished
works \$10,574,205 34
Add debt for completed works 5,732,169 14
Debt of the general fund 1,255,193 43

\$17,561,567 91

On which the annual interest is \$9,018 06
The aggregate of state stocks loaned to rail road
and other improvement companies up to the close of
the last fiscal year (Sept. 30, 1841) was as follows:
Delaware and Hudson canal \$200,000
New York and Erie rail road 2,100,000
Ithaca and Oswego rail road 315,700
Canajoharie and Catskill rail road 200,000
Auburn and Syracuse rail road 200,000
Auburn and Rochester rail road 200,000
Hudson and Berkshire rail road 150,000
Saratoga and Blossburg rail road 70,000
Tonawanda rail road 100,000
Long Island rail road 100,000

Total of loans of state credit \$4,335,700
On which the annual interest is 220,056 50

All these companies have paid promptly their in-
terest, except the Ithaca and Oswego, and Canajoharie,
and Catskill, which failed to do so in July last,
and the state was compelled to make good the de-
ficiency. The aggregate of the loan to both of these
companies is \$415,700, and the annual interest there
on \$24,386 50. The Ithaca and Oswego is completed
at a cost of \$570,000, and the state has a first lien on
the same, as also on the Catskill and Canajoharie,
which twenty-six miles are completed and in opera-
tion. It is believed that the state will ultimately lose
nothing by the Ithaca and Oswego, and probably not by
the other. The state stocks were mainly issued to
each by hon. A. C. Flagg, (late regency comptroller),
under a law directing him to do so, upon proper proof
that a larger amount of their own means had been

previously expended upon the works by each com-
pany.

The first loans to an incorporated company were
these made to the Delaware and Hudson canal com-
pany in 1827 and 1829, by regency legislation, upon
a report from Silas Wright, jr. chairman of the canal
committee; the latter loan recommended and approved
by gov. Van Buren. These loans fall due in 1846
and 1847, and will doubtless be reimbursed by the
company. In 1831, Mr. H. M. Flagg, auditor of the
state credit of six millions—four millions to the city
banks and two millions to individuals—was recom-
mended by Gov. Marcy, and passed by a strict party
vote, (the whigs against it), but it was not carried
into effect. In 1838 a similar loan to the banks, for
public relief, of \$7,500,000 of state stocks, was re-
commended by Mr. Flagg, and passed by the Van
Buren senate, but rejected by the whig assembly.
Total of state stocks issued as above \$17,561,567 91
Add total of temporary loans, 30th
September 1,855,000 00
Stocks issued to defaulting rail roads 515,700 00

Total of state debt \$19,932,267 91
Deduct the amount of old Erie and
Champlain canal debt, for which
funds have been provided and are
now in deposit 2,021,037 25

Leaves the actual debt of the state \$17,911,230 66
Interest on the whole canal debt \$32,932 87
Do. on the debt of the general fund 62,294 99
And of the non-paying rail roads 24,456 50

Total annual interest \$919,704 36
Annual interest on the rail road stocks
other than the non-paying 195,000 00
Revenues of the canal fund for 1841.

From tolls on the canals \$1,988,000
Interest on investments, water rents, &c. 140,240
Total canal revenue for 1841 \$2,128,260

Canal expenditures.
Interest on loans \$801,633
Repairs and superintendence 380,366
Canal commissioners and clerks 13,374
Collectors of tolls, printing, &c. 10,465
Damages allowed, &c. 64,851
Total expenditures for 1841 \$1,332,239

Nett revenue from the canals \$805,751
From which deduct the general fund 200,000

Clear canal surplus for 1841 \$605,751
The item of \$64,851 for "damages" above is not
properly chargeable to the annual expenditures, be-
ing for permanent purposes.

The nett proceeds of canal revenue (says Mr. Col-
lier) for the past year would pay the interest upon
all the existing debt, and the interest at six per cent.
upon an additional debt of \$10,000,000; or, if all the
contingent liabilities of the state for loans of its re-
sources were thrown upon the state, it would still
pay the interest upon the whole debt, contribute its
annual \$200,000 toward the support of the govern-
ment, and have about \$400,000 to spare, applicable
to carrying on the public works, or to the interest
upon a new additional loan for that purpose of six or
seven millions of dollars.

SECRETARY OF STATE—SPEAKER OF THE HOUSE OF
DELEGATES. Mr. J. C. Legrand, speaker of the
house of delegates having been nominated as secre-
tary of state by gov. Francis Thomas, vice Mr. Sif-
ford, of Frederick county, declined, on the 27th re-
signed the duties of that office, and the hon. Daniel S. Biser
was elected in his place.

Librarian. Mr. J. H. T. Magruder, esq. has been
nominated state librarian by the governor, vice David
Ridgely, removed. Mr. Ridgely was the first lib-
rarian of this state, and deserves the credit of having
brought that valuable department from non-existence
to a department of twelve thousand volumes.

His leaving it will be regretted by all men who know
him, and the more so, as he has a large family, and
is without resources. He never has been an active
politician. The rule of party proscription however,
has been brought down upon him.

FINANCES. Abstract of the treasurer's report. The
treasurer of the western shore, in obedience to the
3d sec. of the act of December session, 1834,

REPORTS.
That in the year ended 1st Dec. 1841,
he received \$927,555 50
And there remained in the western
shore treasury, 1st Dec. 1841 53,414 86

Making an aggregate of 980,970 36

Of the sums so received and amounting to 23,767 50
There were for revenue accrued before year 1841, 23,767 50
To which add, repayments, 605,632 24
Loans of 1841, special deposits, state stock sold &c. &c.
Making 631,839 74

Which deducted from the receipts in the treasury in 1841, shows this sum to have been the amount of revenue accrued in 1841, which was received in that year, viz:

Of the said aggregate in the western shore treasury in the course of the year ended, 1st Dec. 1841, amounting to 985,970 36
He disbursed that year 894,492 03
And there remained in the western shore treasury, 1st Dec. 1841 91,478 33
This balance is subject to the extended appropriations, the 1st Dec. 1841, to the amount of 195,953 36
And showing the treasury to have been deficient 1st Dec. 1841, by the sum of 104,474 92
To that deficiency it is proper to add the probable cost of the present session, which is estimated at 55,000 00
And would make the charge for these accounts upon the receipts of the current year, 159,374 93

ESTIMATES.
The probable receipts in the current year, in virtue of subsisting laws he estimates at 300,000 00
And leave applicable to the payment of other expenses of the current year, 140,525 07
The probable further demands on the treasury for the current year he estimates at 1,317,405 57
Leaving this balance, \$1,176,880 50
to be raised (in such manner as the general assembly shall direct) for the service of the current year to end with the 30th November next—
And to it should be added, the further sum necessary, to pay the demands to be due 1st January, 1843, before any action of the assembly then to be in session, could be had to provide it, 33,603 17
Making, \$1,215,483 67
To supply this large sum—post legislation lies upon three sources.

1st. The authority of the commissioner of loans by resolution No. 3 of March session 1841, to borrow—which remains unexecuted to the amount of \$317,801 97, but is considered unavailable.

For its partial execution in the past year, commendable zeal and active as he has been, the commissioner was largely indebted to the patriotic sensibility to the wants of the state, of some of its public institutions and private citizens.

2d. The tax, by ch. 23 of March session 1841, directed to be levied on the property within the state thereby made assessable—the execution of which has not yet progressed so far, as to enable the treasurer to hope materially augmented, by the entire, or nominally or practically.

His experience however, admonishes him that, not more than one-half of the amount levied, may be expected to come into the treasury in the year in which the law makes it payable therein, no matter how long the date of payment may be postponed.

3. The state's distributive share, of the proceeds of the public lands of the United States, of every uncertain amount and receipt.

The vain effort to fulfil with the first of those improvements, such of the obligations of the state for 1841, as it was intended to provide for, has been a work of arduous difficulty and deep humiliation to the officers charged with it—while the burthens of the treasury, without any notice or reason to anticipate, were materially augmented, by the entire failure of the Seneca and Tyde Water canal companies, to comply with their engagements.

The generous confidence with which the public credit was essayed in their service, without even the motive of a stockholder, appealed strongly, no doubt, yet vainly, to their patriotism, to make any sacrifice rather than disappoint the just expectations of a beneficent government—

and their failure in punctuality adds another and a memorable one, to the monuments before subsisting, of the improvidence of trusting to the incorporated companies, of keeping of the public honor.

Of the four or five imposing companies, who have wielded the administration of millions and the co-operation of pre-eminent talents, and who successfully solicited the confidence of the general assembly, in their promises, with emphatic solemnity, to pay the interest on the debts incurred at their instance and for their service, but one only, has proved unfaithful of the magnitude of the trust, in that respect reposed in them.

The rest have, in quick succession, thrown the burthens they sought for their own shoulders upon the back of a treasury already heavily laden—although in accordance with the policy of their own conception, no other provision than their engagements to pay, had been made by the legislature to sustain them, and before any substitute had been prepared or could be matured.

It had as its apology, and as any must be, this is the only one that can be made, for the suffering and privation to which the public creditors will be unavoidably subjected.

The treasurer indulges, no degree of indignant feeling or asperity in the expression of it, that is not called forth, by his sense of the responsibilities of the department he has charge of, and which the events he spends of, have alone embarrassed.

To him, it would be a far more pleasant duty, to exhort than to impute—and indeed, he has become persuaded that, all these companies, in the zeal with which they prosecuted their several works, and the excitement induced by the arduous difficulties they encountered in that service—each with human family, regarding the completion of its particular work, of paramount importance to the state and to the world as well as to itself—entirely lost sight of the very subordinate trust to observe punctuality with the treasury, until it had become, wholly beyond their power.

Unfortunately for the state, the most costly work in which she is concerned and consequently most costly had in the past year, been of necessity entirely suspended, far short of its completion.

The act of the last general assembly to provide for its prosecution, proved to be wholly impracticable.

Without its conditions, it must in the nature of things have been unexecuted. Even with them, had they been fulfilled, it would have been of very doubtful efficacy.

If without them, the act could have been efficient, the conditions were worse than useless—in that they required obligations of the companies concerned, to do what their obvious interest and the very purpose of their enterprises made essential to their own success. They would have added to their difficulties if not impaired their ability—and the due execution of which, would have occasioned long and unavoidable delay, incident to the process. But in truth, the only reasonable hope of giving vitality to the law, rested upon the willingness and ability of the companies to comply with the conditions imposed. Had they been fulfilled, that, the additional debt it authorised to be incurred, would in no degree add to the burthens of the public treasury if it did not reduce them.

Had the duties therefore, with which it charged the treasurer admitted of his exercising any discretion in the matter, he would have required their fulfilment as scrupulously and fully, as the minister of finance would have added to their difficulties if not impaired their ability—and the due execution of which, would have occasioned long and unavoidable delay, incident to the process. But in truth, the only reasonable hope of giving vitality to the law, rested upon the willingness and ability of the companies to comply with the conditions imposed. Had they been fulfilled, that, the additional debt it authorised to be incurred, would in no degree add to the burthens of the public treasury if it did not reduce them.

The other stockholders of the Chesapeake and Ohio Canal Company, continue to look upon the unassisted and disproportionate efforts of Maryland in this service, with cold and calculating complacency—in the belief that, necessity will oblige her to overcome all obstacles for their common relief. But the necessity that has no law, implies that, the ability to fulfil its mandates, and that it is well had that, the ability of the state to supply such necessity, is for the present at an end. Until her revenue shall be shown to be adequate to the wants of her treasury, present and prospective, she is as helpless for the further prosecution of the canal, as the feeblest of its stockholders. Those who would supply the materials for the stock of the company convertible into it or redeemable with its proceeds, would be wholly unable to comply with their contracts, when they found as they would find, that neither would raise money or its equivalent.

To the treasurer, however, the law assigned specific duties, including all discretion.

The 10th section required him to take, satisfactory bonds—not in view singly, of the sufficiency of their

penalties—their obligatory qualities—or their availability—but of all these, in the first instance.

The companies respectively, tendered their corporate bonds only, and decided that they would in no other way comply with the conditions of the section. The treasurer considered them in every respect unsatisfactory. He required, therefore, augmented penalties—designated modifications of their tendered bonds should be made available for the indemnity of the state by liens upon their several estates in Allegany county—and that these should be shown to be clear of title and unincumbered, by the certificate of the deputy attorney general for the county.

The 12th section expressly required him to take bonds with security. The companies considered the corporate bond of one of them as principal, and of the others as sureties. The treasurer considered such a compliance with this section as merely nominal, and required liens for these also, upon unencumbered estates of clear title. In aid of these last bonds, he decreed it his duty moreover, to require additional security.

No information laid before him, authorised him to treat their possessions in the country, if clear of title and unencumbered, as being to be worth more than a million of dollars when the canal shall have reached Cumberland—whereas he believed himself called upon to take security for not less than a million and a half. He was plainly instructed by the act itself in the 10th section, to assume that "the canal would reach Cumberland, before any effective effort would be made by the companies to open and complete the several rail roads necessary to connect it with their coal mines," and to require that the security to be taken, should be adapted to such a contingency—contingency wherein the state must have looked altogether to these bonds, for the whole amount required to be secured. If liens could have been had, upon unencumbered estates of clear title and of the value of one million of dollars—this ultimate security, would have rendered it not less than a million of dollars to have obtained, a policy or policies of insurance for the prompt performance of the condition of the bond under the 12th section, from some one or more of the several companies with large capitals, incorporated by the states for the very purpose of assuring the performance of contracts.

But had all this been attained, the treasurer thinks, he would have had insuperable difficulty in enforcing it. He would have been obliged to have been obtained by the president and directors of the canal company from the contractors, in pursuance of the 8th section. He certainly could not have been satisfied with the customary security of withholding a portion of their compensation—very good security for the doubt not, when money—and utility—inasmuch as he thinks, when stock, would in effect be, the commodity withheld.—It would be apprehends, have been followed, if necessary, by unavoidable evasions of the law, of which it was seen to be easily susceptible, and by every possible sacrifice of the state's securities, without any material or compensating advantage to the state.

The act itself must be, and will be fulfilled—if not rightly by the other stockholders, or from motives of interest and the impulses of enterprise, by the mining companies—by Maryland, so soon as she shall have recruited her exhausted strength.

Adequate revenue, is now the pressing want of Maryland. Any measure involving her honor or her interests—and he invokes her legislature therefore, to devise and adopt without a moment's delay, such a system as will be most likely to furnish it, and to furnish it quickly.

Private wants, beyond the necessities of life, are fanciful. They grow upon their indulgence, and are most difficult to overcome, by stern self-denial.—But the public wants are real and inexorable. They will not brook denial or delay, and are rapidly augmented by either.

Last year, \$300,000, would have saved the honor of the state and kept the treasury solvent, had the authorities of the several counties and the city of Baltimore, be forthwith directed by law, to levy for the service of 1842, a dollar in the hundred—and fifty cents, annually thereafter, until further order.—No apprehension need be entertained, that the revenue thence, will for the present be excessive, or that it will at all times be an easy and a pleasant duty, to reduce the rate.

The crisis demands of the general assembly, mainly promptitude and decision, and appeals irresistibly, to the honor and honesty of their constituents. Under the sanative action and influence of these, the em-

barrenness of the public finances would soon be found to be temporary and evanescent—the public burthens, be gradually and speedily reduced—the public works, be completed and disencumbered—and Maryland be placed, ultimately and perhaps early in a condition of exuberant prosperity.

The deep disposure to ensue on her impending insolvency—the foul stain it cast upon the hitherto bright and unblemished escutcheon of our venerable state, must make every son of Maryland who has heart or conscience hang his head in shame—at home and abroad—here and every where—as long as it shall endure.

Could these have been averted,—were the magnitude of the public debt and the burthens it brings, alone to be contemplated—heavy as they are, considerations are not wanting, which should alleviate and even reconcile us to them.

From the first place—the debt, it should be remembered, has been incurred for the achievement of great public improvements—of which the acknowledged benefits, are to endure and to increase with their enjoyment—and these are fit objects of extraordinary public expense—second only in point of legitimacy, to those incurred for the preservation of domestic order and the public defence, and, with obvious and suitable restrictions, confessedly to be postponed to these, solely upon grounds of necessity and not of choice. It has been incurred too, in obedience to a spirit which, in the same period, animated and inspired in the same cause a large majority of our sister states, and which is not to be postponed to any for its wild or desperate, or impulsive, or exemption from such visitations, is not to be expected of communities any more than of their members.

In the next place—its amount is, as a matter of account, greatly exaggerated. In such an aspect, it is seen to be a debt exceeding 15 millions of dollars—sums which, borne upon the people of the state, it does not exceed ten.

More than three millions of it, for example, are yet unsold—and when these shall have been sold,—the successful progress and uniform punctuality hitherto, of the Baltimore and Ohio rail road company for its service, they were issued, warrant the belief that, it will not in future, fail to pay or yield the interest, as heretofore.

The revenue received from that company and from the Baltimore and Susquehanna rail road company, with every indication that the amount will yearly increase, is already sufficient to pay the interest upon millions more. So that the real debt of Maryland does not practically exceed, ten millions of dollars.

A very acceptable communication, this moment received from the president of the Susquehanna and Tide Water canal companies, and in time only to be thus notified, gives most gratifying assurance, that their debt for interest may be expected to be paid year in the current year, and that their future payments will be uninterrupted.

With assessable property, of which the recent valuation for assessment, cannot well prove to be short of two hundred millions of dollars—a single year's income, estimated at 5 per cent. would rid us of the entire debt.

The ability of Maryland then, to pay the interest only of such a debt, is indisputable—and seeing that it has been deliberately contracted—and affirmed—and augmented—by successive legislatures—of their own repeated choosing—through a long period of 15 years—the willingness of her people to pay it, ought not to be and cannot be, questionable.

Individuals and individual companies, are no doubt to be found in every country—who are ready to incur debt beyond their means of payment and to find means to evade it. But for a whole political community—to do either—and especially a republican community—claiming and exercising the right, and the capacity of self government—would be to exhibit to the world a spectacle, that could cease to be shocking, only to be loathsome.

Lastly—It is the interest only—we are called upon or will have to pay.

No government ever provided more judiciously or amply, for the payment of the principal of her debt, than Maryland has done—by the institution of her sinking fund, and the means of it—and upon no subject is more gross misapprehension, understood to prevail.

Of course, the treasurer assumes always, the good faith of the state, and its ultimate, if not uninterrupted solvability.

This borne in mind throughout—he proceeds to say that—

Every dollar, of so much of the capital of this fund as is destined to redeem the debt incurred for the construction of our public works, has been furnished by the public creditors—upon terms proceeding from the state—and such as must have, most materially enhanced

ed the price she received for her securities, by securing their ultimate redemption.

Not a single dollar of it has been directly contributed by the state—except for the purpose of letting into her treasury far more than an equivalent.

Not a dollar of the income of the fund, either on mortgage or in effect, has been paid by the state.

Both capital and income are exclusively the property of the public creditors, until they shall have fully performed its office by absorbing the whole of the public debt—and then the fund and the debt will expire simultaneously—thus and then only, ensuring to the benefit of the state.

Take, for illustration, the principal item of the fund, derived from the sale of the three millions of six per cent debt per \$31, of 1821. The loaned millions made so much of the public debt, which the state received and applied to the prosecution of her works. But the purchasers of the debt paid also to the credit of this fund, upon the terms proposed by the law, upwards of half a million more. Now the state has paid the interest upon the millions, but not upon the half million appertaining to the fund—and this half million, in accordance with the terms of the contract proceeding from the state, were confided by the purchasers, to the administration of the state's treasury—for and as their property—for their security.

The half million, it is true, was a portion of the price of the stock—but a portion indissolubly associated with the condition of the price—and no man can tell how much the stock would have sold for, without the condition.

Try it by the fate of the 5 per cent loan of the year 1816, which cost \$500,000. It was put into the market with a profit of better security, but then contingent—and although the debt of the state was little more than a million at the time, it was with difficulty sold for.

Try it by the fate of the 6 per cent, debt of the year 1817. It was judiciously fitted for the London market by promising to pay the interest there—and by promising to pay it in dollars. It procured security too abundant not to be seen to be impracticable—and it bore upon its front, the purpose of borrowing interest as well as principal. It was literally *harked*, abroad and at home, and out of eight millions thirty-four thousand only ever found a purchaser, and that far below value.

These reminiscences have reference to the manner, of forming the fund, and are used to shew that, it was judicious and productive.

No body has ever pretended that the fund was of magical origin or oceanic power—or that a debt itself, by its means, and the application of it, could be repaid. But the manner of raising the means may be reckless—or of ruinous cost—or prudential and economical.

Its practical efficacy is considered to be obvious. Its actual operation so far, from year to year, has proved even more absorbent of the public debt than was ever anticipated—and so soon as it shall fall of ready capital here—it will be the duty of the treasurer to put it in action abroad, by the state's chosen agents in London.

Then, as to its income—

It is received chiefly, from the state's commissioner of loans—but he pays it, not as interest upon the fund, but as interest upon the public debt—precisely as to any other proprietor of the debt—

That it is received from him at all, is purely accidental.

If the treasurer had, in the exercise of his lawful discretion, invested it in the public debt of New York, or of Massachusetts, or in the stock of the Bank of England—then, those states or that institution would have paid it, and yet Maryland, in either case, would not have paid one dollar the less, for interest on her debt.

If the public creditors had insisted, upon constituting the Messrs. Baring & Brothers of London, the fiduciary of the fund—or any body else, one foot within the limits of Maryland—and that they were invested in any other securities than those of the state—it would have been beyond the jurisdiction and control of any of her authorities.

Ought it to be—*shall it be?*—less safe or sacred, in the hands of the state's own treasurer—

Shall it be less secure—because that treasurer, in procuring to invest the funds in the securities of Maryland—has made them her citizens the ultimate fruiters of her resulting interest in it—and equally consulted the interest of her creditors, by furnishing those of them who have occasion to sell, with an established and growing market.

It is erroneously supposed by some, that when the state's public debt is sold, the state's security, he buys for the state, and with means exclusively the state's, when in truth, he buys only with the income of the fund—confined to him by its creditors, and exactly as any

other individual administering a trust fund, would be bound to do—consulting to the utmost of his ability, equally the interest of the state and its creditors—he cannot consist of no body, but is always ready to give for what others do not want, whatever they were willing to give for what they did want—that is to say—the market price.

This brief exposition of the constitution, nature, and operation of the fund, he humbly submits to the general assembly, in the hope of impressing them with its own sense of its value and importance to the people of Maryland. If he has succeeded, he will have his ample reward, in thinking he has done the state some service—and this, he persuades himself, is his single motive for the effort.

AMERICANS CAPTURED NEAR SANTA FE BY MEXICANS, &c.

MESSAGE FROM THE PRESIDENT
TRANSMITTING THE INFORMATION RECEIVED BY THE RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE 14TH INST. IN RELATION TO AMERICAN CITIZENS CAPTURED NEAR SANTA FE, &c.

To the house of representatives of the U. States:

I transmit to the house of representatives, in answer to their resolution of the 14th inst. a report from the secretary of state, and the papers by which it was accompanied. JOHN TYLER.

Washington, January 18, 1842.

Department of state, Washington, Jan. 17, 1842.

The secretary of state, to whom was referred the resolution of the house of representatives of the 14th inst. requesting the president to communicate to that house all the information in his possession, which may not be incompatible with the public interest, touching the American citizens captured near Santa Fe, in Mexico, and who are, or may have been taken relative thereto by this government; and any information he may have, and not incompatible with the public interest, concerning American citizens now British prisoners in Van Diemen's land, has the honor to lay before the president the papers specified in the accompanying list, and to state that the despatch from Mr. Ellis, numbered 49, which probably contains information upon the subject of the first part of the resolution referred, has not yet reached this department.

No further information in regard to the subject of the second part of the resolution has been received since the date of this despatch, of the 16th of July last, which was communicated to the house of representatives by the president, with his message of that date. All which is respectfully submitted.

DANIEL WEBSTER.
To the president of the United States.

MR. WEBSTER TO MR. ELLIS.
Department of state, Washington, Jan. 3, 1842.

Sir: The friends of Mr. Franklin Combs, son of general Leslie Combs, of Kentucky, have applied for the interposition of this government in behalf of that young gentleman, who accompanied the late Texian expedition to Santa Fe, in Mexico, and is supposed to have been captured, and, if alive, be held in bondage in that country, with the other survivors of the expedition. It has been represented to this department that young Combs has never been a citizen of Texas; that he did not repair to that country with any intention of relinquishing his allegiance to this government, or of assuming a Texian name; that he went thither in the autumn of 1840 upon private business of his father, and for the benefit which he was assured his feeble health would derive from the milder winter climate of that region. It was, however, detained there by both causes until about the time when the expedition referred to set out. This he determined to accompany, for the object of confirming his health, and gratifying a curiosity, both liberal and natural, in regard to the unknown lands through which the course of the expedition lay.

As there is no reason to doubt the correctness of this information, you will, accordingly, forthwith make the necessary representation to the Mexican government upon the subject, with a view to avert from young Combs, if he should be alive, the dangers to which he may be or may have been exposed. You will state that, from the respectability of his family, and for other reasons, there can be no ground for the belief that he will ever be again wanted in the expedition for any other objects than those mentioned; and that if he had been aware that the views of the Texian government, in despatching it, had been hostile or predatory, rather than friendly and commercial, as they were understood to have been at the time, he would not have gone in its company. If to this it be objected that the expedition was military

in its array, and must therefore be presumed to have had warlike designs against the Mexican authorities, it may be answered that the avowed motive of the members of the expedition, in bearing arms, was to ward off the attacks of hostile Indians, and especially of the Camanches, who, it is well known, roam in great force along and across the track which was to have been pursued. This objection would apply, it will be said, only to the young Combs, as he was no soldier, and had never been in battle; and if found with arms, there could in his case be no better ground for the opinion that they were to have been used for purposes of attack, and not for those of defence, than if he had accompanied one of the caravans from Missouri to Santa Fe, by means of which, at least, it is now generally admitted, the trade is carried on between this country and Mexico, to the mutual advantage of the parties.

Although young Combs is the only American citizen who accompanied the expedition for whom the interference of this government has been asked, it is understood that there was another who, as little desirous to be subjected to any penal proceedings on the part of the Mexican government. This is Mr. George W. Kendall, of New Orleans.

You will press this case with the utmost earnestness on the Mexican government, as the government of the United States feels itself bound to interfere, and to signify its cordial expectation that the lives of American citizens will not be sacrificed, who have not intentionally done any thing of a hostile character against Mexico. Even if the conduct of young Combs was indiscreet and ill-judged, yet this government cannot suppose that the government of Mexico will treat him as an armed combatant found among its enemies.

You will spare no pains to impress the Mexican authorities with the feelings which would be excited in this country, if any harsh proceeding should be adopted towards this youth.

You will avail yourself of the opportunity of making to that government the communication to suggest that, while this government is well disposed to maintain with strict fidelity amicable relations with the Mexican republic, and will not attempt to screen from merited punishment any of our citizens who may be guilty of an infraction of the laws intended to preserve the relations, yet that summary, sanguinary, or undue punishment, either to Mexicans, or citizens of the United States in Mexico inevitably tends to excite and foment in this country an acerbity of feeling against Mexico which will be much more apt to defeat the supposed objects of those punishments than if the offenders were to have a fair trial, and then convicted, were to be punished in due proportion to their offences. You will, however, make this suggestion in a conciliatory tone, without allowing it to be supposed that this government has any intention to dictate the policy to be adopted by that of the Mexican republic upon this or any other subject, and, supposing their disposition towards the United States to be amicable, it is at least at this point a way by which it may to us reciprocal disposition as well as the integrity of the Mexican territory may be more effectually maintained. Accustomed ourselves to regular judicial proceedings, fair and full trials, and mild punishments, the opposite course, as exercised by other governments, always serves to check the growth of amity and good will.

Any reasonable expenses which may be necessary to defray the charge of a special messenger from the Mexican capital to the place of captivity of young Combs and his American associates, or for any other proper purposes necessary for their safety and liberation, will be paid by this government, and will be defrayed by you, and for them, in the name of this department, specifying in your drafts their purpose, and sending with them such vouchers as you may be able to procure.

The interest which we feel for Combs, whose case has been particularly presented to us, and for Mr. Kendall, leads us to the desiring that, in this communication in the way most likely to carry it soon to your hands. I am, sir, your obedient servant,
DANIEL WEBSTER.

To Powhatan Ellis, esq. envoy extraordinary, &c. Mexico.
P. S. Since the above was written, application has been made to the United States of Mr. C. H. Howard, a citizen of the State of New York, who, with the youth of nineteen years of age, who accompanied the expedition, and who, we are informed, was not a citizen of Texas. You will likewise inquire into his case, and do for him any thing else which you can do with propriety.
D. W.

ME. WEBSTER TO MR. ELLIS.

Department of state, Washington, Jan. 6, 1842.
Sir: I addressed you on the 3d instant, in behalf of Franklin Combs, and Mr. Kendall, captured by the Mexican army, with the Texian expedition, near

Santa Fe. The object of this is only to say (what, perhaps, you would not have failed to understand) that, if it should be found that other American citizens were made captives, under like circumstances, and with similar claims to immunity and release, you will exert the same interference in their behalf. I am, with regard, your obedient servant.

DANIEL WEBSTER.
To Powhatan Ellis, esq. envoy extraordinary, &c. Mexico.

MR. WEBSTER TO MR. PEYTON.—EXTRACTS.
[PRIVATE.]

Washington, Jan. 6, 1842.

DEAR SIR: Your letter to the president, of the 21st of December, has been read by him with great interest and anxiety, although it was the first communication upon the subject. Letters had previously received from General Combs, and information communicated from other quarters, upon which immediate steps were taken. A special messenger has been despatched from this department, with an instruction to our minister at Mexico, of which I enclose a copy. The president will interfere for the life and safety of young Combs, to the full extent of his duty. You must be aware of the delicacy of the question, at least as it presents itself to us, without more knowledge of the facts.

The president wishes the most effectual means taken, consistent with justice and propriety, to secure his safety. * * * On receipt of this, if you should be of opinion that the object in view would be promoted by sending a private agent from New Orleans, to co-operate with the American minister in Mexico, the president is willing that such agent, to be selected by you, should be immediately despatched, and his necessary expenses will be defrayed by this department. He cannot receive any public character, as we have a minister on the spot; but the president's great desire to do all that can be done, leads him to say that if you think a private agency might be useful, he wishes it to be instituted, and that you would select such person as you deem the fittest for such duty. He the more readily submits this part of the case to your discretion, as, before this communication shall reach New Orleans, you may very probably be in possession of much more information than has yet reached us; and there are likely to be many citizens of New Orleans who are acquainted with the facts.

As this agent will have no public character, he can only act under direction of the American minister, to whom he will report himself on his arrival. And the main advantage to be expected from such agency is this: that a person of respectability and address, well acquainted with Mexico, its manners and language, and perhaps with its present authorities, and acquainted, also, with the character, family, and connexions of Combs, Kendall, and other American citizens who may be in like condition, may, by unofficial means and personal efforts, co-operate usefully with Mr. Ellis, as you think advisable, on the whole, that such agent be immediately sent, and you will give a copy of this letter as his instructions.

The collector of New Orleans will have instructions to convey Mr. McKee to the fittest port in Mexico, by the revenue cutter or other the most prompt mode; and if you should think it useful that Mr. McKee should be immediately sent, should proceed to Mexico, he may use the same conveyance. You will see by the enclosed that, although not applied to by his friends, Mr. Kendall's case has not been overlooked; and it is the president's wish, that if any other American citizen, innocently in company with the expedition, should have fallen into the hands of the Mexicans, the same interference may be made in his behalf. I am, &c.

DANIEL WEBSTER.
Baird Peyton, esq. U. S. dist. attorney, N. Orleans.

Department of state, Washington Jan. 6, 1842.
DEAR MR. D. W. McKee has been the subject of a despatch from this department to Mr. Ellis, our minister at Mexico. He has left this city for New Orleans by the southern route. On his arrival, it is the president's wish that you give him the most speedy conveyance, by the revenue cutter or otherwise, to such a port in Mexico as may be convenient for the greatest success in the performance of the duty entrusted to him.

I send by this post a letter to Mr. Ellis, to your care, which forward by Mr. McKee, if received in season. Yours, with regard,

DANIEL WEBSTER.
To the collector of the customs, New Orleans.

Mr. Alvarez, consul of the United States for Santa Fe, to Mr. Webster.

Independence, Missouri, December 15, 1841.

Sir: I address this to you to make known my arrival in the United States. After some repose, which

is necessary to recruit my health, impaired by a toilsome journey, I shall proceed to the seat of government, to lay before the president and yourself the injuries suffered by the American residents at Santa Fe and myself, from the hands of the Mexican authorities. At present, I forward the accompanying printed narrative, which I find nearly agreeing with the facts as they transpired subsequent to the arrival of the Texian expedition in New Mexico.

I am charged with a statement, signed by the American residents, which shall be my duty to lay before you as soon as I can be allowed a personal interview. Your obedient servant,

MANUEL ALVAREZ.
To his excellency Daniel Webster, sec. of state of the U. S.

Mr. Ellis to Mr. Webster.
Legation of the U. States, Mexico, Dec. 16, 1841.

Sir: Trusting that the New York packet may not leave Vera Cruz before this communication reaches that place, I avail myself of the occasion to inform you that brigadier general McLeod, who commanded the Texian expedition to Santa Fe, Mr. Van Ness, his secretary, Dr. Falcoeur, Mr. Navarro, thirty officers, and one hundred and thirty-one soldiers, prisoners of war, entered Chihuahua, on their way to this capital, on the 29th of November. They were escorted by a guard of two hundred Mexican soldiers.

In looking over the daily papers printed here, I was shocked at seeing the painful intelligence announced of the fate of three of those young men, whose names I have not been able to ascertain.—The following is the substance of the publication alluded to by me.

From the *Siglo XIX.* of the 14th December.

"We have the pain to announce to the public an act of barbarism, committed by captain D. Damaso Salazar, who escorted the Texian prisoners to Chihuahua. Captain Salazar had the iniquity to kill three of these prisoners in cold blood, because they had become weary. It was reserved for Salazar to eclipse the triumph of Señor Arango by this cruel and brutal act. Every one is indignant at such an atrocious act, peculiar only to a cannibal. Don Jose Maria Ellis, colonel of the army, and commander of Paso del Norte, is preferring charges against this barbarous captain; and Señor Conde, governor of the department of Sonora, is expressing his indignation, which does so little harm to Mexicans, whose humanity is their principal device.

"We hope that such a scandalous act will be punished with all the severity of the law."

This cold-blooded and barbarous act meets with that reprobation and indignation which its atrocity is so well calculated to excite in the minds of all honorable and humane men. The unfortunate Texian prisoners will be here in the course of two or three weeks. I cannot imagine what punishment this government will inflict on them.

The uniform practice of this legation has been not officially to interfere in the behalf of persons who have placed themselves beyond the protection of our government, by entering into the service of that of Texas. If I am mistaken in this principle of public law, I beg you will be pleased to inform me how far I can proceed, in my representative character, to serve the Texian prisoners. I have the honor to be, sir, your most obedient servant.

POWATHAN ELLIS.
To the hon. Daniel Webster, sec. of state of the U. S.

DEBATE ON THE EXCEQUER BOARD.

SPEECH OF MR. MANGUM, OF N. CAROLINA,
IN THE UNITED STATES SENATE DEC. 30, 1841.
In opposition to the project of the secretary of the treasury for an exchequer board.

MR. MANGUM commenced with a promise very frequently made in congress, to occupy but a short time in the remarks he had to offer. It was not his design to go into any thing like a regular dissection or analysis of the tremendous project submitted in the secretary's report; yet, inasmuch as very strenuous efforts were making to press such a public mind in its favor, Mr. M. did desire to express his views of the scheme; in presenting which he desired it to be clearly understood that he spoke for no interest, clique or party, either in the senate or out of it; the opinions he should express were his own. He had no wish to come into any consultation or comparison of views upon the subject, but had resisted such consultation when proposed to him; because, looking

* This paper has not been found with the letter at the department of state, but is believed to be the same which has appeared in the newspapers.

at all the past, he was disposed to "let bygones be bygones," and, regarding the actual state of the country and the amount of the public distress, he was prepared to meet gentlemen who should propose any feasible measure for its relief in a broad and catholic spirit. On all this subject, however, he had no opinion. He was, secondly, a gentleman, but he did not set so much value upon them, nor did he deem them of any great consequence to others; but such as they were, they were his. There was no reflection which could not but have occurred to every man. They had here presented to them a paper marked by economic ability, drawn up by a gentleman, the production as it was said of a gigantic intellect, or, as others had expressed themselves, of the first mind in this republic; and gentlemen on all sides of the house had vied with each other in bestowing upon it their highest eulogiums.

Immature, however, as he was in criticism, he was compelled to differ in his judgment on the logical qualities of this production, as well from the astute and ingenious senator (Mr. BUCHANAN) from Pennsylvania, as from the able and learned senator from South Carolina, (Mr. CALHOUN), than whom no man in this country was better fitted to judge of the value of the suggestion of a gentleman like him. It was very remarkable that the report passed over, and seemed studiously to avoid, those points of argument connected with the general subject, on which the ablest minds had for years done battle; and in the deductions which it did make, so far from exhibiting the force and clearness of the argument, the conclusions drawn from premises had down being inconclusive, abrupt, and, in one instance especially, monstrous. There was one fact, in reference to the plan suggested in this document, which must have struck all who witnessed the proceedings of that body. There was a suggestion of the protection of silver, and one of the first minds of the age—a mind familiar for twenty years with the public affairs of this country, and closely identified with a great and glorious, and victorious political party—and yet, wonderful to tell, with all this acknowledged ability, all this experience and knowledge of public affairs, and all this familiarity with the history of a great and important subject, when the result of its labors was presented to the senate, not a man had been found who would rise in his place, and say "I will take it." A project was thrown out, backed by enough of intellectual power to force almost any principle upon the assent of other minds, and yet there was no man so poor as to do it. The result of that was, not one so poor as to do it. And why? The case was plain. It was an attempt to unite things essentially incompatible—to drink at once, and in the same cup, from the mouth and from the sources of the Nile. And here he must be suffered to say, that the course of the honorable senator, and of those who were on this occasion associated with him, habitually cherishing, as they did, the most exalted respect for the source from whence this document came, was such as entitled them to the respect of every candid and upright man. They stood manfully by their principles, be they good or bad, and were too honest and too true to six pints of the full which had been artfully prepared to catch them.

To the honorable senator from New York (Mr. TALLMAGE) he would say that, although he was willing to do any thing which could consistently be done, to relieve the distresses of the country, and was prepared to receive and consider whatever that senator and his committee might propose as a substitute for this scheme, yet he was not prepared to exert his efforts in such a measure which would be wholly unavailing, he feared so. How did it happen that nobody could be found to come into this new project? Was it not, obviously, because old principles had been abandoned? Whatever motives might have led to the presentation of such a scheme, it was not received, and of those who were to receive, or to hold power, it was altogether a new conception, and one that seemed artfully suited to the feelings of the time. Such, at least, would be the opinion of it entertained in one part of the union. If Mr. M. were to not about a dissection of this remarkable production, he did not know that it would be worth the while to sit in it so long away from the operation. Nobody put the measure forth as a thing to be adopted; that seemed not even to be thought of; as it stood, it was repudiated on all hands. In endeavoring to speak favorably of it, gentlemen did not speak of it, but of something else—something as yet in mid-air, something which was not there, but was as yet a mystery.

After all the long consideration which had been given to the general subject, and their familiarity with all the leading points involved, here, at this late hour, a project was presented as occupying an intermediate ground, and all men of all parties were called upon to come together and unite in supporting it.

For a long week Mr. M. had pondered the project, and had endeavored to divest his mind of every feeling but a desire to find the truth. He had viewed the proposal, not like the advocate who had written it, but with a history that government had done to his duty. And he was compelled to come to the conclusion that even in the worst of times this government had never yet seen, never had there been so bold, so reckless a push for absolute power, as was now unblushingly made in the paper before the senate. He repeated the assertion. Never, never, in the whole history of this government, had there been witnessed a push so bold; or one which, if successful, must be attended with consequences so vast, and so disastrous to the liberties of this land. With a government possessing a power of patronage which, even in the feeblest hands, was of threatening aspect to liberty—a patronage which, spreading itself like a mycophyte, insinuated its attenuated fibres through all the interstices of society, and by its tempting power, operating to subdue all that manliness of principle, that hardy virtue, which characterized our fathers—to propose to superadd to this threatening, this portentous amount of patronage the entire money power, which, in the hands of government, would be in the hands which pull the wires and move the puppets of party—if he believed the country was prepared for such a measure as this, he should feel a depression of mind which nothing could cheer; he should look upon his children with tears, and must despair of the welfare of the country for centuries.

What a concentration of power! did it not attempt to achieve! In the present prostrate and down-trodden condition of our state banks—he spoke of that spurious and multitudinous herd which had sprung up under the misrule of a late administration—institutions rotten throughout and tottering to their fall; if government should attempt to put in its place a paper currency which should be in sound and general credit, those banks would pop, one after another, like guns discharging in a burning ship, from one end of the union to the other. This government machine, fabricating a paper like this, was to spring up amid the general blight and barrenness as a reviving and fertilizing agent, and to furnish life and vigor to the language of the eloquent author of the report? Yes; no doubt; and when it should have germinated and sprouted; when it should have put forth its root downward and borne fruit upward, while the whole land round about was a barren desert; when it should have spread its branches far and wide and covered the face of the earth with its verdant foliage, then the seeds were to be laid in that "tranquillity and repose" which the writer of this report thought so desirable—the repose, the stillness of an inexorable man, mercenary despotism. To such a measure Mr. M. never could consent; he would not, should not. Could any man in this country consent to such a measure, the nation of money to be placed under the control of this new institution? It was to issue a paper circulation to the amount of fifteen millions. Then it was to receive fifteen millions more upon deposit. Here was, at once, an amount of thirty millions of dollars, enough of itself to overflow the whole country, and he saw no guards in this bill to prevent the amount being extended to a hundred millions annually by its dealing in exchange, should congress establish a high tariff, or even but a liberal tariff, whose annual importations should now replenish the now empty treasury with an income of twenty-five million dollars, that alone might enable the government to raise its lend over the heads of our creditors, and to use the power of the wand of its power to the destruction of the public prosperity. But should there be superadded to this a new capital of thirty millions, and the power to trade upon this to the amount of two hundred millions more, subsidizing every thing to its own support, where would the government's power end? It has been said that there should have been extended over the land, what chance could possibly remain for the existence of public liberty? Place a man of even moderate ability and of thirty-five years of age, in the presidential chair; put in his hands this mighty concentration of power, political and fiscal, and if he did not ruin the country in the present year, in the next year of his life, it must be owing to his own virtue, and not them who armed him with such an engine of oppression.

This capital was in a strange condition. Not a mail reached it from any quarter of the country which did not bring the evidence of real distress, of the most appalling suffering. Our proudest cities, so far from being exempt from the general lull, were very far from it. The police of New York, for instance, would be an interesting inquiry to ask how this was brought about. Mr. M. would not detain the senate, or weary those who understood the case as well as he did, by retracing the course of events which induced a state of things so deplorable. Congress had stricken down that institution which until the year 1856, had exerted so efficient a power

in regulating the currency; when at once, the bank again had swept over the land, and they came up, from the destruction of the old institution, like frogs from the waters of the Nile, until the country was covered with them. The policy of the state governments, meanwhile, had created an immense debt, and the means of payment did not exist; and thus the people were reduced from the condition of the brightest and palmiest prosperity to the deepest distress and despondence. The expedient which had been resorted to for borrowing foreign capital had produced at the time a fearful state of pauperism. But while the nation was fluctuating in all that abundance produced by the influx of borrowed wealth—while all was going on gloriously and a stranger would have supposed that the country had attained to the highest pitch of national strength and public prosperity, a sudden reverse was experienced. The foreign debt was demanded; the means of meeting the demand was not to be found. Individual and public distress soon spread in every direction. The extremity of the pressure gave birth to the revolting idea of repudiation. If, then, to the reflux current, which was sweeping away the magnificent wealth, which had added to the nation's riches, and to the still more anti-American doctrine—and, I may add, in my judgment the atrocious doctrine—of repeal of charters, and the destruction of vested rights, and add yet to these the tergiversations and treachery, in public and the falsehoods, forgeries, frauds and all other means of obtaining the means of a private life, was it not a wonder that men who possessed capital should look up and hoard their resources, and not expose them to a mass of population already deeply tainted, and more and more imbibing the poison of agrarian principles?

In a state of things like this, or rather upon the approach of such a state of things, the American people had risen as one man, and thrown off, by a burst of indignation, the individual whose maladministration had, as they believed, brought about this unparalleled state of corruption and distress. They thought that they were about to substitute for his reckless misrule their own system of remedial measures. Every man of state or of high position in that expectation. The history of this natural crisis would be read by our patriotic children with wonder, as a page exhibiting the strangest, most unaccountable, and most useless tergiversation which the whole volume recorded, or would be closed and passed with leading and repugnance. The people were not to be deceived. The measure proposed by their friends in congress as the only panacea for the public ills had been offered, adopted, and vetoed at the extra session. And here Mr. M. must be suffered to say that, although voting for that measure, he had always felt great doubt in regard to its expediency. He was not prepared to see the nation exposed to its effecting at once all that good which its friends in their sanguine moments promised themselves, and, perhaps thoughtlessly, promised to others. He had never been a friend to banks; he had never touched a bank by any vote of his until last summer. The entire system was bottomed on such principles that it appeared to him, to carry its own death within itself. The measure which the whigs had proposed, he believed, might indeed mitigate, and for a time repress the evils connected with it. It might withstand something of that surgle force with which the mad excesses of the system were sweeping over the country.

But there still appeared to him to remain one great desideratum, which he thought it his duty to suggest, and that was the principle within the system itself which should operate to check excessive issues, and prevent those fearful alternations of expansion and contraction which so shook the system of public credit, and spread such frequent ruin throughout the mercantile community. If any such principle could be introduced, and if it were in any way connected with it, and it certainly had never been applied. Whatever might be said of the regulating power exerted over the state institutions by a bank of the United States—and such an institution did exert that power to a certain extent—yet still in proportion to the degree of confidence which the public placed in it, and to the amount of private debt, it was invariably disposed to push their issues to extremes. Mr. M. was no bank agent nor bank machinist, and he admitted that the tendency of a U. States bank, in exerting a regulating power, would be to break up of the state banks as were essentially unaccountable operations in which, however salutary in the end, would be attended with a vast amount of private distress in their respective vicinities. The mere displacement of capital which was necessarily involved in subscribing to so great a number of banks was in itself a great evil, and must necessarily produce great stricture in the money market. Then the explosion of rotten banks which must necessarily accompany a

6th. The estimated amount of fishing bounty and allowances to accrue from the year 1842, and the gross and net amount of salt tax for the same year.

7th. *Hulmer* moved that the majority bill be its second reading; then: which motion having been agreed to, the bill was read a second time.

"The discussion upon the treasury note bill was resumed at one o'clock, as the unfinished business, the question being "shall the bill pass?"

Mr. Calhoun said that when we were called upon to propose additional reductions upon our expenditures, we ought to act with the greatest caution. To vote taxes, except in the case of exigency, was nothing more than the severest spoliation. We were called upon to make this appropriation upon the estimates of the department. He knew too much of these estimates to place much reliance upon them. He was not vote for the bill because he held it to be unnecessary. Retrenchment and economy would save more than this amount from the treasury. It had been proposed to increase the expenditures of the navy two millions of dollars over the past year, and he was not ready for this. Deduct two millions from the recommendation, and it would be millions saved. These appropriations, at least, might go over to the next session. The expenses of the marine corps amounted to nearly six hundred thousand dollars, nearly six hundred dollars a head—two hundred dollars a head higher than the army. He would not say that the marine corps was a necessary department, but in proportion so high as this. Between the reductions which might be made in the marine corps and the navy two millions and a half might be saved. Then there was an estimate of sixty-five thousand dollars for surveys, which ought to be taken from the sales of public lands. It is \$263,000 were for surveys. Then there was a patent fund of \$153,000, which he did not understand. He presumed it was for patents received, and ought to go into the treasury. Then there was a considerable amount credited to trust funds. Then the head of pensions claimed considerable attention. The fallacy was at the rate he had lived, of three hundred thousand dollars a year. This added, made a very considerable amount.

He had turned his attention also to the treasury department, and there found over a million and a half appropriated to harbors. This was the most extravagant expenditure of the government. Appropriations, and he little expected to see such appropriations recommended. All added together would make four millions and eight hundred thousand dollars, and half a million might be added to it. But this was not all. Greater reductions could be made in the economy of administration. He trusted Congress could do but little except to co-operate with the administration. This was difficult to be done, but nevertheless it might be done. If retrenchment saved us five millions, economy would save us five more.

The expenses of this government were of three classes: the civil list, the army, and the navy; and all of these had been increasing since the year 1823. The remedy now was to compare the present with the past, mark the difference, and compel the difference to be accounted for. He cited 1823, and intended to make that the standard, because that was the standard for him, the government being then essentially and almost entirely self-sustained. Also, because in 1823 we commenced the system of protection, which had done so much evil. We had made two tariffs since then, the origin of all evils. The civil list rose in seventeen years from about \$2,000,000 to \$6,000,000—nearly a threefold proportion compared with the increase of population. As the population had increased to \$1,700,000, the increase of contingent expenses had been fivefold, and compared with population, sixfold. The aggregate expenses of the two houses now amounted to more than \$250,000. The expense of collecting revenues had also been enormously increased. From 1823 it had cost us \$1,000,000 to \$1,700,000, an increase of one million of dollars. The expense on collection in 1823 was but one per cent. now one per cent. and 5 1/2. Under the tariff these increases were made from 1824 to 1828. Estimating the expenses of collection at \$800,000, about \$1,000,000 would be saved. The military had increased in this proportion, and the light house department also. In the war department in 1823, (the only year for which he had estimates) the expenses per man were but \$351, now the increase had gone up to \$100 for each individual. At one time it had been as much as \$350 for each individual. \$1,000,000 had been expended here in the army proper, including the military and naval alone. It might be said that one was a cheap and the other a dear year. For otherwise; meat was never cheaper, clothing never as cheap as now. All this resulted from the expansive force of a surplus revenue. In 1822 he had reduced the expenses of

every man in the army. All this had been done by changing the organization of the department—the administration of the department had never before been considered; and he, by reforming all this, produced the necessary retrenchment. Under the tariff, the expenses of a man went up from \$12 to \$16.

Mr. Calhoun then made some comparisons between the expenses of the British navy and the American navy. Mr. C. contended there should be no difference in the expenses of the two navies. We should build as cheap and employ men as cheap, or we should not be able to compete with the British navy. If our navy should prove vastly more expensive than the British navy we might as well give up, and he recommended this matter to the consideration of the senate. Mr. C. followed up this with a table prepared by himself, showing, in gross amounts, where the expenditures had been increased. From his figure he drew the inference that the expenses might be reduced very much.

He called upon the chairman to look and see where the pruning knife might be employed. He contended that \$17,000,000 were sufficient to meet the permanent needs of the government, and that this sum would be more adequate to the whole population. This sum, by economy, could be brought down to fifteen millions, and thus save nine millions over the present estimates. This could be done in three or four years—the executive leading the way, and congress co-operating and following the executive. The expenses of three or four years, by economy and retrenchment, there would be no public debt.

Mr. C. said he had now more than made good his pledge to bring down the expenses of the government five millions of dollars. The question now was, whether we should pursue the loan bill and borrow money, or live without it. Mr. C. testified that all our evils had grown out of the tariffs of 1824 and 1828. The tariff had been seductive, and opinions prevailed that a tariff was a blessing. Even sensible men, whom he had heard, had argued that it would be better to have a tariff, even if the money was, whether we should have no tariff. He who insisted on raising more revenue by an increase of duty would find himself mistaken. If duties were raised to twenty-five, thirty, and thirty-five per cent. smuggling would be resorted to, and to prevent this an increase of expenses would be necessary. The smuggling would be made and sold. Circumstances were such that we could not have a tariff, and we had to have a virtuous and poor community than the richest in the world. Better to be a moral people than the richest. If gentlemen persisted in the course they had pursued at the extra session of this congress, no man could foresee the evil which would come. There never was a wiser saying than that of Edmund Burke, that the finances were the state. It was due to the late administration to say, that when they were going out of power the expenditures were in the course of reduction, particularly in the treasury department. The bill before the senate was one that would have no tariff. He who insisted on raising before. The bill before the senate was not a revenue bill as it came from the house, and we had made it one. We had changed the form of the loan bill into a revenue bill, and here was the point of order. The entrenched that, by common consent, it might be made in order, and pass this evening.

Mr. Evans rejoined. He said it was not his object to be entangled to the question of the tariff. He was not a tariff man, or to refer even to many of the evils he had brought forward. They required more time and reflection than could now be given to the subject. Above all, he desired not and did not feel called upon to defend the late administration from the severe rebuke which he had received from the senator.

Mr. Calhoun interrupted and said he did not mean to rebuke the administration. He himself had not been for many years past identified with any party, and but a looker on in fact rather than an actor with the two great parties.

Mr. Evans continued, and remarked: Well, then, the present administration for the state of things of which he complained.

Mr. Calhoun, interrupting Mr. Evans again, said he did not mean to be so understood. He had good feelings for the present secretary of the treasury and administration. They meant well, he believed, and were doing as well as they could in the way of correcting the evils he complained of.

Mr. Evans said somebody is responsible for the state of things, and the question is, who is it?

Mr. Calhoun, again interrupting Mr. E. said that it was the system he complained of. He did not mean to rebuke the administration.

Mr. Evans continued speaking in a party sense. He said the present administration had not been the course of the committee on finance in relation to the bill under consideration. He had not proceeded far in defending his own and the action of the com-

mittee in reference to this bill, when he referred to the remarks of the senator from South Carolina, and said he had taken part on the other side of the question, when

Mr. Calhoun again interrupted him, and said that his position had not been such as to prevent extravagance.

Mr. Evans said, in reply, that the proper time to check the expenses and prevent extravagance was when they had commenced.

[Mr. Calhoun, (in his seat). Not when the treasury is empty.]

Mr. Evans continued, and reminded the senator that he had been here and sat by when all those laws were passed, and now for the first time rose to complain. The committee of finance, he added, were not providing for the execution of the laws which the preceding administration had passed, and now it was proposed not only not to execute those laws for the future, but not to pay for expenses incurred under them in time past. He would deduct from the expenses of the navy and the marine corps two millions and a half of dollars. The bill before the senate provided for the payment of the salaries of the officers and men of the navy, and of the marine corps which the administration preceding us had increased. The navy had been increased, the army increased, and obligations contracted, which this bill provided to pay for. Who was to blame for this? And the senator blamed the finance committee, also, and stated that he had seen the question of the committee rooms of the military and naval committees. Obviously it was not the business of the committee of finance to do this.

Mr. E. further stated, also, in reply to the senator from South Carolina, that the present administration had done much already in the way of retrenchment—much, in the way of providing for the reduction of contingent expenses of congress, &c. He also explained what was said by Mr. Calhoun in reference to the Smithsonian fund, interest to be paid upon it, and upon the trust funds—information which the senator from South Carolina, in his speech, had sought from the senator from Maine. Referring to the expenses of government, he stated that all these expenditures were made by former laws, which we were called upon to execute. We were not making laws, but executing laws, whether good or bad, already made. And here he would remark that the evil was more in the application of the money appropriated than in the appropriation itself. These expenses, however, were to continue. The expenses of the Florida war would not be terminated for years to come. The expenses of survey referred to and complained of were also expenses of last year, and not yet all expended. He referred, too, to the collection of taxes. These had been increased in 1829 and 1830 twofold, and have been doubled since. Whose fault was this? These expenses, he was glad to inform the senate, were now in the course of reduction. But Mr. E. put it to senators on the opposite side, would stopping supplies, withholding appropriations created under prevailing laws, pay our public debt? Would these sustain the public credit? If they would not, and they were willing the public faith should be sustained, he called upon them to pass this bill.

Mr. Calhoun, at the close of his remarks, had raised a point of order, which was, that the bill before the senate was not in order. His point of order was, that the treasury bill, as it came from the house, was merely a bill to substitute treasury notes for a portion of the loan authorized at the extra session of congress. The senate had struck out this proviso, and made the bill a loan bill. The constitution declared that revenue bills should originate in the house. The treasury bill, as it came, had violated the constitution by its amendment.

Mr. King called upon the chair for a decision upon the point order.

The chair decided that there was no point of order to decide. The question raised was a constitutional one, and the chair had no control over it. The solemn judgment of the senate was to be given upon the amendment, and it was for the senate to decide upon the constitutionality of its own action.

The point of order was debated at length by Messrs. King, Calhoun, Berrien, Wright, Graham, Rives and Walker, when it was withdrawn by Mr. Calhoun, and the question demanded by yeas and nays upon the passage of the bill. The result was—Yeas, 20.

YEAS—Messrs. Archer, Bates, Bayard, Berrien, Choate, Clayton, Evans, Gilman, Huntington, Kerr, Merrick, Miller, Morehead, Phelps, Porter, Prentiss, Rives, Smith, of Indiana, Southard, Tallmadge, Woodbridge.

NAYS—Messrs. Allen, Beaton, Buchanan, Calhoun, Clayton, Fulton, King, Linn, McKelvey, Pierce, Preston, Sciort, Smith, of Connecticut, Sumner, Tappan, Walker, Van Dusen, Wright, Young—20.

And the senate adjourned.

A bill for the apportionment of representatives among the several states, according to the sixth census.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That from and after the third day of March, one thousand eight hundred and forty three, the house of representatives shall be composed of members chosen agreeably to a ratio of one representative for every sixty eight thousand persons in each state, composed according to the rule prescribed by the constitution of the United States; that is to say:

Within the state of Maine, 7; New Hampshire, 4; Massachusetts, 10; Rhode Island, 1; Connecticut, 4; Vermont, 4; New York, 35; New Jersey, 9; Pennsylvania, 25; Delaware, 4; Maryland, 6; Virginia, 15; N. Carolina, 9; South Carolina, 6; Georgia, 8; Alabama, 7; Mississippi, 4; Louisiana, 4; Tennessee, 11; Kentucky, 10; Ohio, 22; Indiana, 19; Illinois, 7; Missouri, 5; Arkansas, 1; Michigan, 3.

Mr. Clifford hoped, he said, that the gentleman from Vermont, (Mr. Everett) would consent to an earlier day than that proposed by him for the consideration of the bill. Many of the state legislatures now in session were anxiously waiting for action of congress on this subject. And if action of congress was not made of it an extra session of these legislatures would become indispensable, or the subject must necessarily go over for one year from the regular time of election.

Mr. C. J. Ingersoll was understood to say that he had himself received resolutions from the legislature of his own state on this subject. If there was no prompt action on it the expense and inconvenience attending a special session of the legislature must follow.

Mr. W. C. Johnson moved to recommit the bill to a select committee, to be composed of one member from each state of the union.

Mr. Stuart, of Illinois, said they would have to settle the matter by compromise at last, and it would have to go into committee of the whole on the state of the union, and be decided by a majority of the house. He moved to refer the bill to the committee of the whole on the state of the union.

By this vote, the reference having been made to the committee of the whole on the state of the union, the other motions were suspended.

Mr. Everett then renewed the motion to print 5,000 extra copies of the report and bill, which motion was carried.

The speaker announced the business before the house to be the further consideration of petitions under the suspension of the rules for that purpose.

Mr. Adams said he had yesterday presented a petition solemnly calling on the house to remove him from the post in he occupied as chairman of the committee on foreign relations; and he had asked to be permitted to be heard in his own defence against the charges therein made, a privilege of his own as a member of this house and as asserting the privilege of every member. And for the reason that the committee on foreign relations might choose a chairman if they thought proper, he had given notice that, after defending himself from the charges made in the petition, he should move its reference to that committee. He was pleased to have the motion to lay on the table was made, and the chair now decided that this question was not laid upon the table.

The speaker said it was his opinion that, the motion to lay on the table having been carried, every thing connected with the petition in the ordinary manner was closed upon the table. The question of privilege was not pending at the time the motion to lay on the table was made, and the chair now decided that this question was not laid upon the table.

Mr. Warren moved to reconsider the vote of yesterday, by which the whole subject was laid on the table. He said that he came from Georgia, whence the charges therein made, and he had said that that petition professed to be a hoax, and that the gentleman from Massachusetts that he believed the paper was a hoax, an error factum. (Cries of "order, order.") Mr. W. concluded by moving the previous question, which was seconded by the house.

The question on the motion to reconsider was then taken, and decided in the affirmative.

The question then recurring on the motion to lay on the table—

The speaker in reply to an inquiry by Mr. Wise, said, in his judgment, the question of privilege was not involved in this motion; and that that question was not pending before the house, when the motion was made, in a manner that made it a question to be laid on the table.

The question on the motion to lay on the table was then taken, and decided in the negative.

The question then recurring on the motion yesterday made by the gentleman from Kentucky, (Mr. Marshall), viz. that the gentleman from Massachusetts (Mr. Adams) be permitted to be heard in his own behalf touching the charges made in the petition against him.

In the course of the discussion on the point of order, and whilst Mr. W. C. Johnson was giving his recollection of what had occurred, Mr. Adams interrupted him by saying, "the gentleman speaks falsely."

Mr. W. C. Johnson said that before he took his seat he would withdraw his point of order, after the motion of the gentleman from Georgia, (Mr. Warren), was carried; and would say but a word or two in reply to the remarks of the gentleman from Massachusetts, that the members around him agreed in the accuracy of his (Mr. J's) statement, and he appealed to the recollection of all the members who were present, if their recollection did not accord with his, (Mr. J's). And he (Mr. J.) would say that, if other gentlemen felt privileged to be rude and coarse in passion and wantonness, that no department by others, no ebullition of feeling, no scene of excitement, no violent and coarse assault from that gentleman, would ever betray him for a moment to depart from the rules of parliamentary property and the decorum of a gentleman.

Mr. Everett moved the previous question; which was seconded by the house.

The question, "shall the main question be put?" was decided in the affirmative.

The main question (being on the motion of Mr. Marshall) was then taken by yeas and nays, at the call of Mr. Wise, and decided in the affirmative as follows: yeas 101; nays 49.

Mr. Adams then took the floor, and was about proceeding in his remarks; when—

Mr. John Campbell moved, he said, to a privileged question, and moved a reconsideration of the vote just taken; on which motion he wished to submit a remark or two.

Mr. C. proceeded in his remarks, and contended that there was no question of privilege involved in this subject. He thought the evidence of the fact was, first, that whatever charge had been brought before the house against the gentleman from Massachusetts, had been done by the gentleman himself, who stood in the light of his own accuser, and who had the privilege of withdrawing that charge if he chose, and he claimed his right to do so. If the gentleman was allowed to defend himself, he must, of course, defend those who pursued a different course; and, therefore, it was the duty of all these gentlemen—a duty of self-respect, a duty which they owed to themselves, unless they had full assurance that they should have an opportunity to reply—to vote against allowing the gentleman to proceed.

Mr. J. Campbell and Mr. Wise rose to points of order, v. contending that the debate should be confined to the strict question of reconsideration; Mr. Adams, at the same time, contending that it was his right to speak upon the general question, the gentleman from South Carolina (Mr. Campbell) having, in his remarks, opened the whole subject.

The speaker was understood to say that the remarks of Mr. Adams and South Carolina were very brief, and were necessary to explain the charges imputed to the gentleman from Massachusetts that the debate should be confined to the question of reconsideration.

Mr. Adams then continued. The gentleman from South Carolina (Mr. Campbell) had made: one of his points that he had a right to answer a charge made against him of disqualification for being as chairman of the committee on foreign relations because he presented this petition himself. Did it deprive him, he asked, of his right of self-defence because he was the first to make known the charges to the house? He said that he had taken a newspaper paragraph in which a charge of this kind was made against him, and brought it before the house as a question of privilege. This had been done in many instances. The ground of the gentleman was utterly untenable. He had another reason for raising the question of privilege. It was a letter from the person who transmitted the memorial to him, written in a very respectful manner.

Mr. A. here read the letter, which was dated at Clarksville, December 10, 1841, and which was signed James Playfair, requesting him (Mr. A.) to present to the honorable body of which he was a member the accompanying petition, and stating that it had been a matter of consultation with the meeting, out of which this petition grew, to whom the petition should be transmitted, and that they had foreborne to send it to their representatives for presentation to the aid copies of letters that might arise between them and Mr. A. to whom, for this purpose, they had directed it.

Mr. A. continued. The gentleman from Georgia (Mr. Hoberman) had yesterday undertaken to say that this was all a hoax, and that there are no such persons in Georgia as are described in this memorial.

Mr. Hoberman had said that he knew of no such person in the county in which he resided, and he now said that he believed there was there no such person as James Playfair. He had learned that the gentleman from Massachusetts had a petition of this sort in his possession perhaps a week ago, and that he called on him and made inquiry with reference to it, and, on examination, he saw that the petition and the names were all in the same handwriting, which writing he did not know. There were among the names many of the surnames of persons residing in that county, but he knew no persons who bore those surnames with the same christian names. He had stated these facts to the gentleman from Massachusetts, and that he considered the petition a hoax. The letter might not have come from an individual residing in the state, but might have been thrown into the post office by a traveller. Under these circumstances, if a letter or a petition had come to him from Massachusetts, with this precise information given to him by the representative of the immediate neighborhood whence it purported to have come, he should have put it in the fire. He would not have allowed it to have disturbed the house, and wasted the time of the country by its presentation. If the gentleman had put the petition into his pocket no one would have known of it.

Mr. Adams then proceeded in his remarks, and said that he put his defence on the ground that, whether the petition was a hoax or not, he was entitled to be heard in reply to the charges therein made. The charge was a hoax, and it came from the infamous slave traders.

Messrs. Wise and W. C. Johnson here simultaneously rose, and called the gentleman to order; insisting that he should take his seat.

Mr. Adams, claiming that his remarks were in order, and that he had a right to proceed—

The speaker decided that the gentleman from Massachusetts was not in order.

Mr. Adams then proceeded in his remarks. This charge had been made (he continued) against him, and he claimed his right to answer it. The gentleman station which the speaker had assigned him until another chairman was chosen. He knew perfectly well that the whole slave-trading representation of this house was against him, with one single exception. Yet he would avoid the decision of the majority of his house upon the question of allowing the petition to be referred to the committee on foreign affairs, that they might choose a chairman if they thought proper, and he gave warning to all parties, whigs and democrats, that he was willing to abide by their vote. When he spoke of parties, he hoped the house would permit him to give some evidence of what he knew to be the disposition of various parties as respected him and this question. If it had been secret before, it was now disclosed by a gentleman, late a senator from Alabama, in a letter to his constituents, [a portion of which Mr. A. here read]. By so much of the executive journal of the extra session as had come to light, it appeared that in general the abolitionists and the whigs were confided by southern whigs while northern democrats voted against them.

Mr. Smith, of Va. here rose to a point of order. (Cries of "let him go on.")

Mr. S. said that the house had decided that the gentleman from Massachusetts should have the privilege of defending himself from the charges made in the petition, and he asked if the gentleman was doing it? (Cries of "yes" yes" and also of "no, he is establishing the fact.")

Mr. Adams then proceeded, and further read from the letter of the late Alabama senator, which stated that a coalition had been formed between southern whig leaders and the abolitionists, as well as the federalists, for the purpose of securing an extraordinary alliance was not less indispensable for the preservation of the union than for the safety of the south. This letter (continued Mr. A.) contained precisely the same charge in substance against those whom it called the abolitionists of the north, as this petition charged against him. He had other evidence of the same spirit, in a letter which he found written to a place called Arceneum. In it there were heavy charges against all the whig party, and—

Mr. W. C. Johnson rose to a question of order.

Mr. J. was requested that the gentleman from Massachusetts might not be interrupted, for he was so near the end of his remarks, and his trials of wrath upon him (Mr. W.) that it had no effect upon him.

Mr. Adams. I am glad of it.

He said he was producing evidence of the existence of precisely the same spirit in which the fac-

morial was addressed, which tended to disfranchise all the members from the north. The same spirit animated the letter from which he had read; and it pervaded the letter which he was about to read from Accomac.

The speaker said that in his opinion the gentleman was now out of order, and that from the leave given him by the house he was not permitted to read the letter.

Mr. Adams appealed from that decision, and asked the yeas and nays.

After a few remarks from Mr. Wise upon a point of order, the house having refused the call for the yeas and nays, the question on the appeal of Mr. Adams, being "shall the decision of the chair stand against the reading of the house?" was taken by tellers, and decided in the negative, yeas 76, nays 78.

Thus the decision of the chair was reversed. Mr. Adams then said he should have the pleasure of reading those extracts from this letter, which he would intend to prove the identity of sentiments contained therein with the charges of the memorial to which he was referring.

[He then read portions of the letter relative to complaints which had been made against the "corporal's guard," the friends *per excellence* of the president, for not supporting any of the whig measures proposed at the extra session; and in which the question was asked, what measures were meant—whether it was the abolition movement to keep the houses of representatives disorganized until the 21st rule was suspended or abolished; or was it relative to the constitution of committees, so that, if the question of the recognition of the black republic of Hayti was referred, it went to a majority of non-slaveholders.]

What committee was that, continued Mr. A. Is this identical committee; and the speaker was charged with a violation of his duty in the appointment of that committee. After further enlarging upon this point, Mr. A. said he had spoken thus in illustration of the principle that the feelings which burned in the bosom of him who wrote the letter were the same as were contained in this memorial. It was not an individual or personal feeling, but it was slaveholding, slavetrading, slavebreeding, and the complaint was that the majority of the committee were not appointed of slaveholders.

Mr. Rogers rose to a question of order, and did not intend to make his seat until he had decided the question. This house had given the gentleman from Massachusetts leave to defend himself against the charges in a certain paper in his possession, and he had no right, in doing that, to pour out the bitterness and gail of his heart against an unwilling party to his countryman. (Mr. R. L.) insisted that in defending himself, and in reading this paper, the house had not given the gentleman permission to go into the question of slavery or non-slavery, and he now demanded of the speaker to put an end to this disgraceful proceeding, and to arrest the gentleman from Massachusetts in disgraceful himself, and by doing so in disgraceful himself, and playing off the Harlequin here in the grand inquiry of the nation, [loud cries of "order, order," and] and he called on the chair by the honor of the nation to arrest this proceeding.

The speaker said that, in his judgment, this whole matter was out of order, but inasmuch as this same point had not been settled, and the decision of the chair had been overruled, he could not now arrest the debate.

Mr. Adams said he had not got to the sweetest part of his letter yet.

Mr. Hayner appealed from the decision of the chair, and by yeas 69 to 66, the decision of the chair was reversed.

Mr. Linn now moved that the house adjourn, and by yeas 86, nays 57, the house adjourned.

Monday, Jan. 24. Mr. Adams rose and proceeded to state, that at the time he was arrested on Saturday, he was reading from a newspaper a letter purporting to come from a gentleman, a member of this house.

Mr. Andrews, of Kentucky, inquired of the speaker whether, after the vote of Saturday, the gentleman from Massachusetts (Mr. Adams) could be allowed to proceed without a vote of the house?

The speaker remarked also that the chair had not on Saturday been disposed to arrest the gentleman from Massachusetts, but that on Sunday, at the order of the house, the decision of the chair had been overruled by the house. The gentleman from Kentucky (Mr. Andrews) objected to the gentleman from Massachusetts (Mr. Adams) proceeding without leave of the house, and under this decision, the chair had no alternative but to refuse the rule.

Mr. B. then asked that the gentleman from Massachusetts be permitted to proceed under the leave of the house granted to him.

The question on this motion being taken was decided in the negative; yeas 76, nays 81. So the house refused leave to Mr. Adams to proceed in his remarks.

The speaker announced the question to be on the motion of the petition offered by Mr. Adams on Friday last.

Mr. Wise submitted a motion, in the following form:

"The house having allowed Mr. Adams, by its vote, to defend himself from a charge contained in a paper or petition in his possession, and to read a portion of a letter of Mr. Wise to prove that he (Mr. W.) had also made the same or a similar charge, and to comment upon that portion of the letter; Mr. Wise now asks the privilege and the permission of the house to reply to the remarks of Mr. Adams, and to speak in his own defence and to the question of privilege raised by Mr. Adams."

Mr. Warren moved to amend it, so as to show that the gentleman from Massachusetts (Mr. Adams) was not heard at large, but was stopped.

Mr. Adams hoped that the motion would also be so amended as to add that "he had been arrested by the house, and forbidden to proceed when just entering on his defence."

Mr. Bots moved to lay the whole subject on the table until the yeas and nays; which were ordered, and being taken were yeas 101, nays 78. So the whole subject was laid on the table.

Mr. Wise then rose and withdrew his objection to the reception of the petition.

And Mr. Adams, in form, moved (in accordance with his previous intimation) the reference of the said petition to the committee on foreign affairs, with instructions "to choose a chairman if they should think proper."

Or, Mr. A. was understood to say, he had no objection to put his motion in the form of that made by the gentleman from Virginia (Mr. Hopkins) the other day, which was to instruct the committee to act in conformity with the prayer of the petitioners, because he (Mr. A.) considered the gentleman as having said so.

Mr. Hopkins nodded and expressed assent.

The speaker here said that no such motion had been entered on the journal as having been made by the gentleman from Virginia (Mr. Hopkins). The gentleman had submitted such a motion, but it was out of order.

Mr. Warren desired to know if it was in order to submit a motion instructing the committee on foreign affairs to proceed, at their first meeting, to choose another chairman.

The speaker said yes; there was nothing disrespectful to the house in such a motion.

Mr. Lewis Williams rose and moved to lay the petition and instructions on the table.

The speaker here announced, finally, that the petition, given rise to debate, must lie over.

Mr. Adams said he hoped the day would come when he would have an opportunity of making the whole subject, and when the gentleman from Accomac (Mr. Wise) would have an opportunity of emptying his whole heart.

So the petition, giving rise to debate, was laid over.

But Mr. Gilmer rose and desired to be informed by the speaker whether the committee on foreign affairs had not the power to propose to appoint another chairman, without instruction from the house. The whole subject, and when the gentleman from Accomac (Mr. Wise) would have an opportunity of emptying his whole heart.

So the petition, giving rise to debate, was laid over. But Mr. Gilmer rose and desired to be informed by the speaker whether the committee on foreign affairs had not the power to propose to appoint another chairman, without instruction from the house.

The speaker said that he could not take official cognizance of any thing of that kind. The committee, when they assembled in their room, could look to their own rules, and see what was the extent of the power they possessed.

Mr. Gilmer. I presume they have the power, and may do so without instruction from the house.

Mr. Adams. Leave that to the committee on foreign relations.

Mr. Gilmer said he, for one, was willing to meet the responsibility.

And then, in further execution of the order of the 7th rule, the presentation of petitions and memorials was continued, the call resting still at the state of Massachusetts.

And a number of petitions were presented by Mr. Adams.

Mr. Adams presented the following petition:

To the congress of the United States: The undersigned, citizens of Haverhill, in the commonwealth of Massachusetts, pray that you will immediately adopt measures peaceably to dissolve the union of these states—

First: Because no union can be agreeable or permanent which is based on vast prospects of reciprocal benefits.

Second: Because see a vast prospect, the resources of creation, of the whole, annually destroyed by the views and course of another section without any adequate return.

Third: Because (judging from the history of past nations) that union, if persisted in in the present course of things, will certainly overwhelm the whole nation in utter destruction.

This petition is signed by Benjamin Emerson and forty-five others. I move its reference to a select committee, with instructions to report an answer to the petitioners, showing the reasons why the prayer of it ought not to be granted.

Mr. Hopkins. Is it in order to move to burn the petition in the presence of the house?

Mr. Thayer rose and moved that the petition be laid on the table, with instructions that the country might understand what its character was.

Mr. Wise, (addressing the speaker.) Is it in order to move to ensure any member presenting such a petition, and to move that the house do now proceed to inquire whether a member has offered such a petition to this body, and to proceed accordingly?

The speaker said he did not think that a proceeding could be taken, but it would be for the house to determine.

Mr. F. Wiercher raised the question of reception, and moved to lay that question on the table; remarking, that he did not think that such a petition should be allowed to come within the walls of this house.

Mr. Campbell, of South Carolina, rose and was understood to say that he did not think that a petition of such a character should be thus lightly passed over.

Mr. Thayer (having, he said, misapprehended the effect of the question just put) moved to reconsider the vote laying the question of the reception of the petition on the table. He has explicitly stated, in the first instance, that his object was to have the petition printed, that the country might understand what its character was.

The speaker was understood to intimate to Mr. Thayer that, even if the vote should be reconsidered, the first recurring question would be, not on the motion submitted by him to lay the petition on the table and print, but on the question of reception raised by the gentleman from Georgia, and the motion to lay that question on the table.

Mr. Thayer persisted in his motion.

Mr. Gilmer thence rose and submitted, as a question of privilege, the following resolution:

It is ordered, &c., in proceeding to the consideration of this house a provision for the dissolution of the union the number from Massachusetts (Mr. Adams) has justly incurred the censure of the house.

Mr. Underwood objected to the resolution, as entirely out of order.

Mr. Gilmer said he hoped the resolution was in order.

The speaker referred to the journal of 1836, which contained an account of a case similar to this, and went to show that this, being a matter of privilege, was in order. He said, and with this authority, it was his duty to submit to the decision of the house the question of privilege moved by the gentleman from Virginia.

Mr. Adams said he hoped the resolution would be received and be debated, and that he should have the privilege of again addressing the house in his own defence, especially as the gentleman from Virginia (Mr. Gilmer) had thought proper to play second fiddle to his colleague from Accomac, (Mr. Wise.)

Mr. Gilmer said he played second fiddle to no man. He was no fiddler, (loud order, &c.) but was endeavoring to prevent the music of him, who, in his opinion, was a bad fiddler.

"In the space of one revolving moon,"

"Was seen a sun, a moon, a fiddler, and a fiddler."

Mr. Ward said it would be recollected that the decision to which the speaker had referred on the journal was a hasty one, which the speaker and the house regretted at the time, because it gave rise to a discussion of some two or three weeks. He therefore hoped, much as he respected the honorable gentleman from Virginia, that they would not see a scene of this kind again enacted on this resolution.

Mr. Rogers inquired if this debate was in order? The speaker replied in the negative.

Mr. Rogers inquired what was the question before the house?

The speaker said it was on the point of order of the gentleman from Kentucky, (Mr. Underwood.)

Mr. Underwood said he would not appeal from the decision of the chair.

The speaker then announced the question to be on the resolution of the gentleman from Virginia, (Mr. Gilmer.)

Mr. J. C. Clark moved to lay the resolution on the table.

Mr. J. F. Bower moved a call of the house.

Which motion having prevailed, the roll was called, and 111 members answered to their names.

Mr. Adams moved that this day be a day of fasting and prayer.

Which motion was carried, and the house adjourned.

schools. The sum of 20,000 was duly subscribed to the several educational committees from the income of the state fund. The whole amount of money paid by the township collectors to the trustees of districts in townships, from which reports have been received, is \$29,699 32-100. Estimating the amount received from the state in those townships at \$16,500, it would follow that in the townships and portions of districts from which reports have been received, the inhabitants have raised \$23,199 32-100, making for every dollar received from the state \$1 40 raised by the inhabitants. The last year for every dollar received from the state the townships raised \$1 40, and this is purely voluntary, and exhibits the great interest of the people on the subject of common school education. *—Free Press.*

NATIONAL DEPOT FOR GUNPOWDER. It is said that the proper authorities at Washington have decided upon purchasing a mile square between Albany and Schenectady for a United States gunpowder depot, to be surrounded with a brick wall six feet high, enclosing twelve magazines, to contain 5,000 bbls. each.

PHILADELPHIA TRADE. The annual report of the Philadelphia board of trade signed by Thomas P. Cope the president, Jan. 17, says, "A committee was appointed last winter to confer with the canal commissioners, and to urge the necessity of a **REDUCTION** in the cost of transportation on our public works. It was suggested that a **DRAWBACK** should be allowed on all goods transported on the entire route of the state works between Pittsburgh and

Philadelphia, and that some reduction in the tolls should be made. The commissioners agreed as to the propriety of the measures proposed, and promised at an early period to give their attention to the subject. No change has yet taken place. The consequence has been, that much of the produce of the west destined for this city, instead of taking the short and direct route by our public works, has taken the circuitous one by way of New Orleans, and has been attracted to New York, by the

compensatively low prices of freight on the Erie canal, and the fact that the canal is the property of a large and influential group of members of this association, for the purpose of towing boats descending the Susquehanna canal to Havre de Grace, laden with the products of the western States, and the fact that the canal is situated between Chesapeake and Delaware canal, and hence back to Havre de Grace with merchandise. The success attending this enterprise has surpassed the anticipations of the promoters, and has created a new and important portion of the trade of our own state that had heretofore found Baltimore its most accessible market. In order to facilitate this trade, a considerable reduction on the rates of towing boats has been made, and the following boats, loaded with produce, have been towed from the Chesapeake and Delaware canal. During the past year four hundred and fifty-nine boats were towed from Havre de Grace to this city, and five hundred and two boats from this city to Havre de Grace, many of them 70 tons in burthen.

REFUTATION. The London correspondent of the New York Tribune writes, under date of 3d instant: Gen. Duff Green is now here, writing capital letters for the "Morning Chronicle," on American state bonds. By the way, the news of the repudiating doctrine, of which you speak with so much alarm, and truly as seems to

RESUMPTION IN OHIO. Resolutions to enforce immediate resumption have passed the senate of Ohio, and there is but little doubt that a law will pass fixing the first of March as the time.

SCHOOLS IN MASSACHUSETTS. It appears from the secretary of the board of education, that the whole number of public schools in Massachusetts is 1,103, and the number of pupils who attend in summer is 131,761, and in winter 155,041. The number of teachers is 2,461.

males and 4,112 females. The average of wages paid per month, including board, is to males \$33.80, and to females \$12.81. The number of incorporated academies in the state is 80. The average number of schools is 3,225. Amount paid in all for tuition \$56,825. Number of private schools 1,335. Average number of scholars 21,391. Average paid for tuition \$259,123. Income of local funds \$15,306. Aggregate paid by taxes, by private contribution, and from local funds, for tuition board of teachers, and fuel, in public and private schools and academies, \$659,735.

TARIFF MEETING. At a meeting of citizens in Cincinnati on the subject of the tariff on the 13th inst., a committee was appointed to report a memorial to congress in relation to the promotion and protection of American industry. At an adjourned meeting on the 17th inst., a memorial was accordingly presented on the part of the committee by Mr. Mansfield, one of its members. Other meetings and proceedings have been of late held in various parts of the country looking to the protection of the respective interests which are suffering by the present compromise act.

TEXAS.—The senate of Tennessee has adopted the resolutions introduced by Mr. Laughlin, (Vt.), choosing Hopkins L. Taney, ex-Chief Justice of the U. S. senate;—another Humphrey says the Nashville Virginian which the house will hardly be a party to, so far as to consent to entertain the resolution.

Since the above we have seen Nashville papers of a later date which state that Mr. Laughlin's resolutions have been laid on the table by the house of representatives. It has also passed a resolution to go into the election of United States senators on the 7th inst. and another in favor of the repeal of the bankrupt law. [N. O. Bee.]

The notes of the Chesapeake bank of Baltimore, being refused by some of the other city banks on Wednesday last, that bank become embarrassed. On Thursday they redeemed their five dollar notes only.

The total assets of the bank, at cost, exclusive of its own stock held by it amount to \$4,700,000.

By order of the board of directors,
HUM. D. LEWIS, Cashier.

The following is an abstract of the situation of the banks in New Jersey:

[U. S. Gazette 26th Jan.

COAL. The Boston Advertiser states, that the quantity of coal received into that port in 1841, was 110,132 tons of anthracite; 124,011 bushels of Richmond, 12,751 tons of foreign, and 27,187 chaldrons.

NILES' NATIONAL REGISTER.

FIFTH SERIES.—No. 23.—VOL. XL.

BALTIMORE, FEBRUARY 5, 1842.

[Vol. LXI.—WHOLE No. 1,584.]

THE PAST—THE PRESENT—FOR THE FUTURE.

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CONTENTS OF NO. 23, VOL. II.

CONGRESS.
FOREIGN ARTICLES.
TRADE AND COMMERCE—TARIFF.
COLONIZATION SOCIETY.
PROCEEDINGS OF SLAVE-HOLDERS CONVENTION OF MD
CHRONICLE.

CONGRESS. On the 25th ult. the bill from the house for the repeal of the bankrupt law was rejected by the senate by a vote of 23 yeas to 22 nays (see p. 359). The law therefore went into operation on the 1st of the present month.

The debate in the house of representatives on the question of privilege involved in the presentation by Mr. Adams of a petition from 46 individuals of Haverhill, Mass. praying a peaceable dissolution of the union, has since the 24th of January been the chief subject of discussion. We have condensed the debates for the first few days, chiefly from the able reports of the National Intelligencer, to which paper we are constantly indebted, and brought them down to Thursday morning the 27th. On that day Messrs. Underwood, Botts and Arnold spoke, and as incidental to their remarks was a charge against the secretary of navy by Mr. Botts, of his having been previous to his entrance upon his office, an open and avowed advocate of disunion. The charge has been denied by Mr. Upham, and Mr. Botts has promised its proof. On Friday, 28th, the debate was continued by Mr. Marshall and Mr. Adams. On Saturday the 29th, the treasury note bill with the amendments of the senate was passed by the casting vote of the speaker, there being 100 yeas to 100 nays. On Monday the 31st, the death of the late senator from Rhode Island, the hon. T. D. Dixon was announced and both houses adjourned, and on Tuesday attended his funeral. On Wednesday, the discussion was renewed, Mr. Adams urging the passage of his resolutions calling for testimony to substantiate his defence. Mr. Holmes of S. C. opposed but they were granted and continued. On the 3rd, Mr. Gilmer concluded his remarks advocating the original violation of the constitution, and Mr. Adams replied. On Friday, he continued his defence.

CHINA. Ship *Probus* at New York left Macao October 4th, bringing 18 days later information. The British captured the island of Amoy on 26th August, without much resistance, and had gone northward.

FLORIDA. A correspondent of the Savannah Republican, under date of the 29th ultimo, writes as follows:

"On the 25th inst. Major Plympton, in command of 30 men of the 3d Infantry, gallantly encountered, under every disadvantage, *Hulick Tadeo*, a chief of the head of Hawk river, which runs into Dunn's Lake, east of the St. John's.

A well concerted fight ensued, that lasted forty-five minutes. The enemy retreated, leaving two warriors wounded on the field; one has since died. One soldier was killed and two wounded. The evidence of blood on several trails leading from the battle ground was a guaranty that some of the Indians had suffered from ball and buckshot.

"Troops are in every direction, and about being put in position to heed this celebrated chief, with every hope of success, whether he wends his way north, or south, or west."

APPOINTMENTS BY THE PRESIDENT. By and with the advice and consent of the senate. Horace Binney, judge of the United States for the eastern district of Pennsylvania, in the place of Joseph Hopkinson, deceased.

Consuls.

Edward Porter, of Virginia, at Tobasco, in Mexico, in the place of Henry E. Coleman, deceased. James Shaw, at Belfast, in Ireland.

Laud Officers.

Jan B. C. Rachel, receiver of public monies at Natchitoches, La. Vice James P. Harrison, resigned.

Custons James O. Harris.

Thomas L. Shaw, collector, Georgetown, S. C., re-appointed.

Mahlon D. Canfield, collector, Great Egg Harbor, N. J. re-appointed.

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John W. Campbell, collector, Petersburg, Va. re-appointed.

Thomas H. Jervey, surveyor, Charleston, S. C. re-appointed.

William Gray, surveyor, Port Royal, Va. re-appointed.

Joseph J. Tillinghast, surveyor, East Greenwich, R. I. vice John G. Manney, whose commission expires Jan. 29, 1842.

William D. Little, surveyor, Portsmouth, N. H. vice Samuel Hall, whose commission has expired.

James Owen, naval officer, Wilmington, N. Carolina, vice Daniel Sherwood, whose commission will expire on the 20th of the present month.

FOREIGN ARTICLES.

CHINA.

STATISTICS. Mr. Paulhier, of Paris, has published a translation of certain official documents from the "Ta-tsing hway-tien," a collection of regulations of the reigning dynasty, which relate to the population, the lands, and the revenues of China. The date of the edition is not apparent from the copy of the work, which is in the royal library at Paris, but from internal evidence must be posterior to 1812; the preface is dated 1810. The results of these documents, being founded upon returns made for official and revenue purposes, are therefore to be relied upon.

The census of the population is directed to be taken by means of registers accurately made, by special military officers, Manchou, Mongol and Chinese, under the supervision of the board of finance. The manner in which the numbers are obtained is as follows: the governor and lieutenant governor of each province causes little tablets of wood (*mun-pai*, "door tablets") which are attached to the doors of the different houses, in order that the exact number of persons inhabiting each may be inscribed on them, to be collected by certain officers every year, when the assessment is made, and sent to the board of finance where they are arranged, and a list is drawn up from them at the end of the year. The returns distinguish males who have reached virility, and are subject to contribution, denominated "Ting" and women and youths below puberty, who are called "Kow," or "moths." The whole population (Ting-how) in the eighteen provinces of the empire, amounted, in the seventeenth year of Ken-king, or A. D. 1812, to 361,693,179 souls, exclusive of the eight Tartar banners at Peking, and of the population of the dependencies beyond the frontiers of China proper, which are not included in the returns.

The numbers in the several provinces are as follows:	
Chih-le, (including Moukden and Kirin),	29,240,655
Shan-tung	28,958,764
Shan-se	14,094,210
Hoo-nan	23,037,171
Keang-soo	37,843,501
Kan Whuy	34,166,059
Sze-chuen	29,046,899
Fokeen, (including Formosa),	14,779,158
Che-keang	26,256,784
Hoo-pih	27,370,098
Hoo-nan	18,653,597
Shen-se	10,097,256
Kan-shu	15,354,875
Shan-se	24,438,678
Kwang-tung	19,174,030
Kwang-se	9,318,955
Yun-nan	5,561,320
Kwei-choo	5,288,219
	361,693,179

In the registers, the "honorable" population (*leang*) is distributed into four classes, namely, the people (*min*), the military (*keun*), the mercantile class (*shang*), and the "free-people" (*tsao*); the *tsao*, or vile population, comprises slaves, hired servants, courtiers, and art-craftsmen, and certain other classes of particular localities. The registers of adventurers (*naon*), persons who move about from place to place (*keu*), cross the frontiers, and lodge at inns, are required to be kept with great vigilance.

The lands throughout the empire are classified under various heads, amongst which are the *ho ten*, or

fields for study, that is, land appropriated to the public education of the people. "In each province," says the Chinese Commentator, "there are establishments for public instruction, which have lands appropriated to their support, and to the common maintenance of those who prosecute their studies there." All the lands in the empire are measured, and the quantity of cultivated land in the eighteen provinces, in the year 1812, was 7,915,351 king, and 96 *mu*, or about 150,000,000 English acres, or cash. Backmaking the total at 68. 3d. and the cash at one-tenth of the total, the aggregate sum will be upwards of ten millions and a half sterling. The copper cash, however, which is collected only in the province of Kan-shu, is the *para*, a coin with which the Mahomedan tributaries of China, in Yarkand, Kashgar, &c., pay their capitation tax, and which is worth less than a half-penny; this would make the money revenue amount to £10,279,220, thus distributed:

Chih-le	£1,045,715	Hoo-pih	£344,166
Shan-tung	1,073,360	Hoo-nan	376,250
Shan-se	1,235,312	Shen-se	515,520
Hoo-nan	1,104,281	Kan-shu	132,502
Keang-soo	1,133,755	Sze-chuen	252,485
Kan-whuy	603,205	Kwang-tung	336,553
Keang-se	674,432	Kwang-se	150,428
Fo-keen	431,362	Yun-nan	118,763
Che-keang	922,560	Kwei-choo	42,037

The amount of the revenue in grain and in silver of different kinds, was 4,356,582 *shih* (stone), a measure which is nearly equal to the French *hectolitre* and in forage, 5,494,780 *shuh*, trusses or bundles.

[Asiatic Journal.]

TRADE AND COMMERCE—TARIFF.

For Niles' Register.

MR. EDITOR: In the Register of the 11th December, 1841, I find an editorial article under the head of "trade and commerce." As that article in my humble opinion is well calculated to lead many persons into erroneous conclusions in relation to our export and import trade; I request you to insert a few words I shall say upon the subject, together with what comments you see proper to make upon it yourself.

After giving the secretary's "statement exhibiting the value of imports and exports annually, from 1791 to 1841" you make the following remarks: "Systems are tested by aggregate results. Here are the actual proceeds of our existing system as operating for fifty years. The exports exceeded the imports in only seven out of the fifty. Excluding the year 1840 and the total amount of the excess in the other six of those years was but \$25,000,000—with that year the excess of exports was altogether \$59,109,578, whilst the excess of imports during the remaining 44 of the 50 years is \$803,428,630. In the whole fifty years the excess of importations over exports is \$753,319,557, being an annual average of over 15,000,000 of dollars! What other nation on earth could have sustained such a drain. Take the period since the enactment of the compromise bill and the progressive reduction of the tariff thereunder, up to 1839 inclusive and the average excess of imports was nearly thirty millions annually. This was continued until our resources and credit both failed, and disaster is upon us."

The writer of this paragraph obviously intended to convey the idea, that the \$753,319,557 dollars, the excess of our imports over our exports for the last fifty years, had operated as a drain upon us, and had finally almost dried up our resources; that we were impoverished in consequence of this inequality between our imports and exports to the average amount of 15 millions of dollars a year for that time. So far from this being the case, however, it is evident that the drain of the United States of the sum he supposes we have been losing; with the exceptions of the amount to which the states, corporations and private individuals in this country, are indebted abroad; estimated by some at 300 million of dollars. Thus \$553,319,557 at least may be set down as a drain upon the United States. To make this evident, take for example a

single year, say 1832. The imports in that year were \$101,029,356 and the exports for the same year \$57,176,943. In that year, according to the principles laid down in the paragraph before quoted we were drained to the amount of \$13,352,323. I now propose to show very briefly, that instead of this being a drain upon us, we were deriving a profit by our foreign trade to the amount of \$13,352,323; and that this apparent excess of importations, was really indicative of prosperity rather than adversity.

It must be remembered that the value of our exports as found in our custom house books, is the value our products have previous to exportation; and the value of imports also so found, is the value of goods in the countries from which they are imported.—Thus, suppose a merchant of Baltimore ships ten thousand dollars worth of products to Liverpool; the custom house books of course show an export of ten thousand dollars. But the merchant has to pay freight, insurance, &c. and lay out of his capital well before he gets a return, which he would not do if he did not export to sell his cargo for an advance in Liverpool. He there disposes of his cargo for \$11,500, which is 15 per cent. above our custom house valuation.—With the proceeds of which he purchases cutlery to the amount of \$11,500, which, when he returns to Baltimore is entered on our custom house books as \$11,500. Imports showing an excess of imports to the amount of \$1,500 in this single transaction and no foreign debt contracted.

Now, so far is the United States from losing in this transaction, she has gained \$1,500. For the Baltimore merchant has derived a profit as we have seen of that amount, and our person who has sold the goods for the \$57,176,943, the products of our country valued here and entered upon our custom house books in 1832, and exchanged for other articles in foreign countries for \$101,029,356 would show a gain instead of a loss of \$13,352,323 or about 15 per cent. although the imports exceed the exports by this sum. No whole ship is fitted out with products valued at \$5,000 and is so entered on the custom house books, but returns with oil worth \$24,000, which is entered also as so much imports, showing an excess of \$16,000 of imports above exports and the vessel never touched ports at a foreign port.

I think it is therefore clearly evident, that if the custom house books be taken as a correct balance of exports and imports, our shipping merchants must have been in a losing business, as much in proportion to the amount, as the supposed Baltimore merchant would have done if he had sold his cargo in Liverpool for only \$10,000 instead of \$11,500, that is, all the cost of freight insurance and all the expenses of the voyage.

WM. E. LUKENS.

January 7th, 1842.

REMARKS.

Our correspondent invites us to a field which is of vast circuit, and in which deliberation, time and material are required to manage a controversy as it should be,—embracing little less than the whole sphere of political economy. Surrounded as we have been ever since we took charge of this publication, with immediate and pressing demands upon every hour in order to keep way with affairs in the accumulating difficulties of the times especially in monetary concerns, we have seldom been at liberty to take a seat at the editorial desk, a sufficient time to concentrate our mind upon a subject as we would wish, in order to present our views suitably to our readers. And now, we are compelled to snatch but a hasty moment and devote but a brief space to an examination of the positions, assumed by our correspondent, under a sense of duty to our country and to our position and a full persuasion of the importance at this time especially of the topics to which he calls attention.

There is plausibility in the example adduced by our correspondent. He has in brief terms summed up the substance of arguments which we find made use of in various directions by the opponents of a reciprocal or countervailing tariff. We admit his premises without hesitation, so far as a fair legitimate trade conducted by our own citizens upon *bona fide* capital of their own is concerned. This is but the common benefits of commerce, enhancing the aggregate amount of wealth by exchanging the surplus of those who have to spare, with those who want, impoverishing neither those who sell nor those who buy. Of the many millions of value which annually exchange hands between this and foreign countries, a large

proportion is of course within this wholesome limitation—fair business transactions—wholesale trade, resulting in bringing to us what is worth more to us than what we have parted with, and thereby increasing our wealth and comforts as well as the wealth and comforts of those to whom we have imparted of our abundance.

But whilst admitting this benign influence of a properly regulated commerce, and allowing that to the above extent the amount of our imports should exceed our exports, according as values are estimated in our official schedules, yet we deny most explicitly that the excess of imports is a true index of the prosperity of a country. On the contrary, so general is the tendency to far overleap that wholesome limit, that excess is almost an invariable result of unregulated trade. The propensities of men in all countries and all ages, have been to indulge themselves not only in the excess of what they fancy they want—as they can pay for with what they have at the time, but beyond that—to the utmost extent of what they hope to have some time hereafter wherewith to pay. The sad experience of involvements which disappointment in these sanguine hopes occasions—the millions upon millions of wretches incarcerated in the jails, which the attempts to collect those debts incurred upon the communities where they have been incurred—the wreck and ruin of fair prospects—fortunes—credit and character, which follow in the train—are sad evidences, alas, too obvious every where around us, of the fatal tendencies of this excess.

Can it be possible that our correspondent recognizes no limit to the excess of importations? Can he,—can any one of those who advocate the doctrine of the largest liberty in trade, have seriously persuaded themselves that the more we import over what we export—in other words, the more we buy over what we sell, the wealthier we are becoming? Assuming, as our correspondent has done, the truly round round sum of over five hundred millions of dollars which we have imported over the amount of our exports within the last fifty years, they tell us that *that* is the real increase of our wealth by the transaction—the actual profit made by allowing imports to exceed exports,—and hint at no limitation. We wish to know, if such a policy be sound and what we make, the richer we shall be and the more prosperous our country.

Though such would be the necessary consequence of carrying out their arguments to their inevitable result, yet our opponents would no doubt consider it unfair to attribute such extravagance to them. True, they hint at no limit the excess which imports may be allowed to exceed exports—because it might spoil the effect of the flattering picture of prosperity which they have drawn for us. But if we demand an answer to the ultimate conclusions to which their arguments tend, they would no doubt claim some bounds to their proposition. They would insist, that though the balance of trade might and ought to preponderate in favor of importations, yet there must be some limit to the extent to which excess can safely be indulged. The idea that the more we can obtain from others beyond the value of what we part with, the better off we shall be, is too preposterous to be maintained.

Wherever that limit is, it is just as absolute in its demarcation between prosperity on one hand, and poverty on the other, as if the line were supposed to be in an exact equality between imports and exports.

The advocates of "free trade" (so called)—tacitly admit the existence of such a limit—but they say that it is so small and so easily to be exceeded, that by the operations of a commerce, unrestrained altogether on our part, although it be ever so much restricted towards us by the regulations of those with whom we trade. "Commerce should be left free—it can best regulate itself"—is their doctrine.

To this our answer is—that by this process, as is now exhibiting in the experience of this country, excess of importations is only limited by the poverty and sufferings of those who admit it. The infliction of distress is inevitable—and the extent of that distress is only limited by the capacity of the victim to endure.

When we have at once the radical difference between the two parties on this question. The one party is for leaving the country to endure forever this grievous method of ascertaining where the limit of excess of importations is to be applied.

We will, under their process, be required at all times to get *whenever other countries still consent to receive of us what we have to spare*—we will be required in addition, to have the last farthing in the purse drained out by the quiet but effective process of a premium upon specie—and we will constantly be

harrassed as we are now, to make up as much as we possibly can of the still formidable and even existing balance of trade by obligations bearing interest—payment of which is procrastinated it may be from time to time, which is alas but predicating upon years of toil yet to be endured.

"Balance of trade?" did we say? Our ingenious correspondent has objected, and we admit, that it is not exactly the amount of the balance of imports over exports—but it is the balance of imports over what our exports will pay for, that produces the difficulty, and which he and those who agree with him, limit at no amount of trade. Our poverty alone is the limit their expedient suggests.

The advocates for reciprocity in trade, on the contrary, maintain that it is the province and duty of government to anticipate, and by wholesome provisions and restrictions to prevent the occurrence of this condition of suffering and exaction. They hold that this can be done and ought to be done—that all other governments have uniformly and do now protect their people from pursuing any trade unlimited that would evidently impoverish them. They show that our own government from the moment of its formation until the fatal introduction of this new theory under the operation of which the present condition of the country has been mainly superinduced, did maintain the demand for a reciprocity of trade with all nations, on prescribed restrictions against their restrictions, whenever it appeared to be our interest to do so. To this wholesome policy under which the country so long prospered they insist that our government ought to return. Our present condition at least so indispensable a duty in communities as between individuals.

We allow, then, that the amount of our imports may extend to the utmost that our exports will pay for. But we insist that every step beyond that is a stride towards poverty and distress. We insist that the balance of trade left unregulated on the one side, and artfully restricted by regulations designed to work to their own advantage on the other side, will inevitably tend to enrich one party by impoverishing the other—and we say this is the present condition of things, and that this condition will become worse and worse the longer the case remains open to exist.

But let us attend for a moment to the example which our correspondent has adduced.

Because one provident farmer sells his crop for more than it has cost him to produce it, and thereby in his sphere of commerce, is able at the end of the year to import upon his plan more than he has exported, he is authorized to conclude, as portended by our correspondent, that he is authorized to conclude, as portended by our correspondent would seem to have done, that every one who can contrive to effect it, is right in buying as much more than he can sell as possible? The theory is, that he is enriched to the extent of the value of what he gets, beyond the value of what he has parted with. Is this theory tenable? Would it not be an idle waste of words to combat it?

By arguing from isolated cases, which occur in so wide a field as that which the commerce of nations affords, almost any proposition may be rendered plausible. As an offset to the case adduced by our correspondent, suppose we select one of the many thousand instances which are constantly occurring, of a less prudent character.

We will assume that the very same individual who is introduced by our correspondent, has been seduced by the profits realized by a number of transactions similar to the one above detailed, to extend his operations and to avail of a well established credit which fidelity to his engagements would not permit him to withhold when he had occasion for it. Suppose built for him his whole wealth upon the basis of the prevailing infatuation to which our system renders all Americans so liable. He is seized with the spirit of speculation, and fancies that by a skillful use of his resources, thousands might be made where only hundreds had been. He now extends the ramifications of his trade to every corner of the globe, and is established here—a warehouse there—farms and flour mills in the wheat growing sections—plantations in the tobacco region—cotton estates in the south—or sugar estates in the southwest—ships await his freight in the seaports and notified factories wait at his command. Meantime a prospect of a splendid speculation is perceived. No matter what accounts are brought that the weather threatens a failure of the grain crops of Europe for instance. If he can but secure flour at present prices here and get it to England in the nick of time when scarcity shall have brought their sliding scale of duties down to its lowest fraction, his fortune is made at a single dash.

But how is this to be done? It requires large funds, and his means at home having just been exhausted in heavy purchases of—say negroes, to stock his southern plantation; he must resort to his credit

abroad for the occasion—and without hesitation orders are forwarded to his European correspondents to ship forthwith \$500,000 worth of sundries merchandise—at six and twelve months credit. It arrives—is sent to auction, sold at sixty and ninety days—and with the proceeds, flour is bought and shipped under the full persuasion that from its sale the foreign duty would be paid as well as the foreign bills he had incurred, and a speedy return realized.

Before his flour reaches Liverpool however, the weather has changed. Every appearance indicates a splendid harvest. The duty upon flour had changed of course with the weather. Instead of being allowed to enter the article at a nominal duty, it is now equivalent to an exclusion. His agent places it in bond, hypothecates—and finally has to sacrifice his *sour* flour for little more than will pay charges.

We leave to the superior arithmetical tact of our correspondent, to show how much either the speculator or his country, has been enriched by this entire transaction, even supposing that the official valuation of the imports in the case had exceeded just as much as he pleases the home valuation of the article exported.

Again: The addition which our correspondent and others who take similar views, make of freight charges, profit, &c., in order to increase the value of our exports so as to approach the value of what we import, is but an accumulation of unnecessary figures,—for if our exports are entitled to those additions, *so also* are our imports, to at least as much—nay more—and the result would be, if the sum were fairly stated, that the balance of trade is in fact at least as much more against us, as the per cent. allowed for those charges added to the total amount, would increase the amount of the imports beyond what it increased the amount of the exports.

By the way, every one that is conversant with this point, is aware that our countrymen, but a remote approximation to their actual value. They are set down at the foreign valuation, and as our duties are levied upon such valuation, the lower they place the estimate, the less duty they have to pay. Upon this subject we have abundant proof that in many cases the value placed below the actual value, is not only the value of the goods—and in almost all cases the revenue is swindled by their agents' entries at our custom houses. This is one of the many expedients by which they are superceding our own fair traders who cannot of course in this case compete with their wiles.

Could a fair and full valuation of the imports be ascertained, could the actual price which our people have ultimately to pay for foreign goods imported, be set down, the real disparity between our exports and imports would astound all of us. A balance of five hundred millions against us, would fall far short of the reality. But we presume that according to the consoling theory of our opponents, the more we pay for them, the wealthier we are.

As to the amount of the actual indebtedness of this country to Europeans, in the form of government stocks, state stocks, corporation and internal improvement stocks—liens upon real estate—balances of long deferred claims, as well as for goods imported, and yet to be paid for, the sum would astound our correspondent as well as of other authorities to be very far below the real aggregate. But of that at a future time.

Another, and a still more material error in the view which the advocates of the "largest liberty" in trade seem all of them to have fallen into, is, their assuming that of the import as well as the export trade—that all our commerce is in the hands of Americans! By a continuance of our present system we have already forfeited much that we once enjoyed of both, and if persisted in, we shall have a slim account of freight, profits on shipping, tonnage, and capital, to balance the foreign account for those same items. We must leave to our correspondent to state and work out for us the real result in which the trade is in the hands of foreigners instead of our own citizens, exports as well as imports done on *foreign* account, and the balance of trade in the transaction made up by shipments of specie.

The answer to all this we presume would be, that "trade if left free, will regulate itself."

Were left free, on all hands, it might regulate itself somewhat better than it has been allowed "free trade" as it is called,—a trade left free on one side, and interdicted and restrained on the other. Whilst one party models restrictions, exactions, and exclusions, to suit their own interests and the other party quietly submits and allows the "largest liberty" to the consumers, and the market to regulate and "regulate itself" to the advantage of both. The profit of such intercourse is like the handle of a

jug, all on one side. The extent to which imports may exceed exports by this process will be limited it is true, but where? Exactly at the point where the impoverished nation becomes no longer able to pay. No,—a little beyond that—just when their last shred of credit fails—there, and there only is the limit which these anti-tariff advocates of free trade insist that the line and limit of excess should operate. A free people ought of course to be left at liberty to ruin themselves if they see fit. Do we not allow every spendthrift prodigal to squander his estate just as fast as he pleases? Aye, and often to ruin his too credulous wife.

As infallibly as gratifying every want and every extravagance which either money or credit can procure, leads to the impoverishment and ruin of an individual, so will the same indulgence if allowed by a nation, prostrate its citizens into like distress. The "largest liberty" knows and regards moral restraints as little in the commercial circle as it would in the social circle if we had no laws to restrain it. The limit which lawless nature prescribes in the one case is the extent of physical power and appetite. In the other the limit is defined by absolute suffering; distress and poverty at last interpret the barbarous maxim, "let the law be the law." The further we are from your purse, your monied institutions prostrated, your industry estimated for years to come, and *drawn upon*; when your estate is mortgaged for more than it will bring, and your ingenuity fails in expedients to raise the wind upon your previous good name, you are left to the law, and the law is sustained, of how much, according to this theory our imports may exceed exports; and the balance of trade is allowed to vibrate, as from these very causes it recently has done. Foreigners will sell us no more, because they have ascertained that we can pay no more. And even then its "our poverty and not our commerce" to limit our expenditures. Such is human nature.

Our notion is, that it is the province and duty of every good government to foresee, anticipate, and by wholesome regulations to avert such a condition of things. In short, we would have the "largest liberty" in trade restrained to a due regard to the public safety, the public law, and the public honor, just as faithfully as moral and legal obligations in the social sphere are intended to compel observances in individual cases. We maintain that the government which neglects this duty, fails of the object for which governments should be instituted and the consequences they ought to protect are left a prey to lawless cupidity.

The native tribes upon the frontier of civilization furnish a striking and perpetual illustration of this condition of things. Without a government to regulate intercourse with rapacious neighbors, they have and must have "largest liberty" since they are over to over to part with the very materials upon which they should subsist, poverty beyond endurance, and all the exasperating passions in its train of miseries absolutely extirpate tribe after tribe in a single generation. Humanity recoils from a contemplation of the price that indulgence costs its victims from the moment that foreign avarice is allowed to lay its baited snares in their every pathway. From that moment they are doomed. Brief is the tragedy of their fate, brief only because its severity is beyond the measure of mortal endurance. The last of the Seminoles will soon follow the last of the Delawares and Mohawks.

Our citizens of the adjacent countries, ours might find an intermediate stage of poverty to arrest its late. Such a position for instance as Ireland has for so many centuries occupied in trade with her more powerful sister kingdom.

The master power will not indeed strangle the goose from which she can derive golden eggs. The son of St. Patrick is allowed to deliver for his potato for the market, he is exempted from the county quarter's rent, pay his government taxes, or the church's tithes. His capacity for endurance however, as well as for production is most accurately ascertained, and up to the very point of intersection is the measure of exaction graduated by the hand of power that is upon him, and in whose power grasp he has been from century to century, helpless as infancy.

Continue to maintain the suicidal course in regard to trade, and what Ireland is to England, America will soon be to Europe. Allow Europeans unencumbered liberty here, and permit them to enforce such restrictions as best accords with their own interest upon the trade of the United States—kept open and carried a few more years, and the mistress of the commerce of the world will have re-achieved her control over her former colonies. Our wants or supposed wants will be her exchequer and collectors in every avenue of society. Nicely graduated poverty will be served into props for her sceptre here, just

as it has been in ill-fated Ireland, in India, and will soon be in China. Anti-tariff champions under the imposing flag of "free trade" will marshal on their side against every attempt to adopt a system of reciprocity. Partisans on this question will exult themselves in conflict with each other at the awful instigation of those master-slaves who work the wires that control the machinery of governments and trade just as dexterously here as they have done elsewhere throughout the world. Tariff and anti-tariff men will be the Corkinians and Fardowns of the field, engulfing each other scarce less for the amusement than for the instruction of the foreigners, who *only* control us through the agency of our own factions.

Is this picture—the very thought of such a result too humiliating? Turn to the faithful page of history and see by what process the prosperity and commerce of republic after republic has been sapped and trophies borne off to enrich and empower those whose eyes never wink in their aim—whose grasp never relinquishes their object. A people whose agents have now the assurance to come here and preach "free trade" at the corners of our streets, and at every board of exchange, and yet at home practice towards us and our trading partners the most aggravating restrictions and exactions?—Is this the policy which they have for some time past in maintaining a predominance on their side, and the hopes of North American prosperity will soon become as prostrate as is that of our South American neighbors from exactly similar causes. Through the potent lever of the money power, opening every avenue of trade—of steam power in its new and most formidable ramifications—and of naval power, as their auxiliaries—and factions as their agents, the dominion of the world is their aim, and the control of the resources of this union, through its mistaken policy of legislation, is but an incident in their grand scheme—a scene in the grand drama. Their present pursuit is to continue to lead our own agency to the accomplishment—closing our eyes to their ultimate views, we may be led on blindfold. The precipice is not far ahead in the path.

NATIONAL AFFAIRS.

MEETING OF THE AMERICAN COLONIZATION SOCIETY, &c. The twenty-fifth annual meeting of the American Colonization Society was held in the Fourth Presbyterian Church, in this city, on the 18th instant. The hon. H. Clay was present, and in disposition from attending the meeting, and the rev. Wm. Hawley, one of the vice presidents, presided.—The annual report was read, from which it appears that the cause of colonization is in a highly prosperous condition, both in this country, and in Africa.—The report, however, will soon be published and will speak for itself.

The rev. C. C. Farnside, of Philadelphia, at the request of the executive committee, delivered a highly interesting and impressive discourse on the life, character and death of the late Thomas Buchanan, governor of the commonwealth of Liberia, which will shortly be published, as the board of directors have requested a copy for this purpose.

The hon. H. CLAY was re-elected president of the society, and the vice presidents of the last year were re-elected, with the following changes, viz: major general Winfield Scott was appointed, vice major general Macdon, deceased; the rev. president of Wayland, of Rhode Island, vice N. Brown, esq. deceased; and the rev. A. A. Bond, D.D. of New York, and the rev. A. Alexander, D.D. of New Jersey, were added to the number.

After the society adjourned, the board of directors met and continued in session two days, during which time much business was transacted.

A very respectable number of delegates appeared from the different state societies, though several of the states could not be represented.

The executive committee laid on the table a letter from hon. S. Wilkeson, which they had received in December last, tendering his resignation as a member of the executive committee; whereupon it was

1. *Resolved*, That the resignation of judge Wilkeson be accepted.

2. *Resolved*, That the thanks of this board be presented to judge Wilkeson for his arduous services while general agent of this society and member of

*Our government last year derived about fourteen millions of dollars, duties from the whole amount of imports—say 121 millions in value, and our strict consumption—122 at that. Whereas upon a single article, viz. the 20th August, 1841, our duties received in exchange last year, for which they pay us, were seven millions of dollars—Europe exacted duties of the amount of thirty-five millions of dollars! This is their "reciprocity" and "free trade."

*See Gen. Tallmadge's letter in the last Register.

the executive committee, and especially for his devoted and gratuitous aid during a period of great difficulty and embarrassment, and that he be assured of their high respect and confidence, with the most ardent wishes for his future welfare.

Committees were appointed on the fiscal transactions of the year, the general state of the colony, and other subjects, and made reports entirely satisfactory to the board.

On motion of Mr. Whittlesey, it was Resolved, That it is expedient to appoint for the present year, a corresponding secretary, whose duty shall be defined by the executive committee, and whose services shall be under their control.

Whereupon the rev. R. R. Gurley was unanimously elected to that office.

The following gentlemen were elected members of the executive committee for the ensuing year, viz: W. W. Seaton, M. St. C. Clarke, H. L. Ellsworth, R. S. Cox, H. Lindsy and R. R. Gurley.

There was no person appointed to fill the station occupied during the past year by Judge Wilkeson.

After the transaction of much business of a minor character, the board adjourned.

The greatest harmony prevailed during the meeting, and much good is expected to result from it. [Nat. Intd.]

MARYLAND.

PROCEEDINGS OF THE SLAVE-HOLDERS CONVENTION.

ANNAPOLIS, Wednesday, 12th Jan. 1842.

This being the day for the meeting of the delegates appointed by the slave-holders of the several counties of this state, the delegates assembled at 1 o'clock, P. M. in the court house in the city of Annapolis, when

On motion of Mr. Frisby, of Baltimore county,

The convention was organized by calling ex-governor GEORGE HOWARD, of Howard District, to the chair, and appointing JOHN A. CARTER, of Montgomery county, secretary.

On motion of Mr. Glenn, it was

Resolved, That a committee of seven members be appointed by the chair to select the officers of the convention.

Whereupon, the chair appointed the following gentlemen, to wit:

John Glenn, of Baltimore city; Dr. Thomas Wilson, of Kent; William D. Bowie, of Prince Georges; W. B. Gilmer, of Kent; William L. Gaither, of Montgomery, Charles Stephens, of Queen Anne, and John Parran, of Calvert.

On motion, the convention adjourned to meet at 4 o'clock in the hall of the house of delegates.

4 o'clock, Wednesday afternoon.

Convention assembled in the hall of the house of delegates—ex-governor Howard, of Howard district, in the chair. The committee appointed to select officers for the organization of the convention reported then as follows:

ROBERT W. BOWIE, president.

Gen. THOMAS HOWARD,
Gen. B. C. HOWARD,
Dr. THOMAS WILSON,
JOHN A. CARTER,
Geo. W. SHERWOOD, } vice presidents.
secretaries.

The following lists of members appointed to this convention were handed in and read:

For St. Mary's County—John M. S. Causin, James D. Sutton, James R. Hopewell

Kent County—Dr. Thomas Wilson, William B. Wilmer, Alexander W. Ringold, Joseph T. Mitchell, James B. Ricard, E. F. Chambers.

Anne Arundel County—David M. Brodgen, John S. Sellman, John Mercer, Rich'd Sellman, Dr. Edward McCreney, Dr. James Higgins, John F. Wilson, James Kent, James S. Owens, Dr. Benjamin Kerr, Leonard Iglehart, Dr. Benjamin Watkins, James Harwood, Ever Dorsey, John T. Hodges, Thomas Snowden, Benjamin E. Gantt, Dr. S. Gambrell, Richard Phelps, T. S. Dorsey, Charles Waters, John Ridout of H. Phil Petebone, Samuel Thomas, Charles Hammond.

Annapolis City—Thomas S. Alexander, John Johnson, Thomas Franklin, Dr. Dennis Claude, Robert Welch of Ben.

Calvert County—John P. Wales, Sanuel S. Hodgkins, John H. Scriverer, John H. Somerville, John Parran, L. L. Weems, J. T. Wilson, Richard Raley, James S. Morseil.

Charles County—No return.

Baltimore County—Richard Frisby, Wm Jessop, William Jenkins, Carvill S. Stansbury, Dr. Selby, M. Duval, Thomas Street

Talbot County—John B. Kerr, Philip F. Thomas, Edward N. Hamblton, J. Murray Liley, James L. Martin, M. O. Colston, John Harrington, Captain J. H. Caght, Thomas Tennant, William R. Tripp, Samuel Stevens, Tench Tighman, Dr. J. A. Clogh, S. S. Dickerson, Capt W. Powell, T. O. Martin, Ths Hopkins, jr.

Somerset County—James S. Cottman, John A. Handy, John G. Dashiell, Samuel S. Boggs, T. W. Stone.

Dorchester County—Joseph Nicols.

Cecil County—Not represented.

Prince Georges County—Robert Bowie, Lewitton Snowden, Alexander Keech, W. W. Bowie, Robert O. Edmonson, William McKnew, William D. Bowie, James Mullikin, W. T. Wootton, Charles Carter, John Goyen, Thomas Duckett, Robert Gliscien, Robert W. Bowie, Towly B. Robey, Henry D. Hutton.

Queen Anne's County—Valentine Bryan, Thomas Kemp, Charles Stevens, Gen. Thomas Emery.

Worcester County—Not represented.

Frederick County—Joseph M. Palmer, A. B. Hanson, Edward Schley, Rederick Dorsey, Gratton Hammond.

Harford County—George W. Bradford, Thomas Hope, James Nelson, John W. Rutledge, John B. Henderson and Samuel Sutton.

Caroline County—Not represented.

Baltimore City—John Glenn, Gen. Geo. H. Stewart, Edward Kenly, Carroll Spence, Charles H. Pitts and George R. Richardson.

Washington County—Not represented.

Montgomery County—John G. England, William L. Gaither, Dr. Horace Willson, John Braddock, John C. Gott, Thomas Gittings, John W. Darby, John A. Carter.

Allegany County—Not represented.

Carroll County—Not represented.

Howard District—Geo. Howard, Charles Carroll, Allen Thomas, C. D. Warfield, Upton D. Welsh, Benj. C. Howard, Wesley Linthicum, Wm. H. Worthington.

On motion, the secretary proceeded to call the roll, which call, on motion, was suspended.

On motion of Judge Chambers,

Ordered, That other delegates arriving in town report themselves to the secretary.

On motion of ex-governor Howard, it was

Ordered, That one member from each delegation in attendance, be appointed by the chair, to report business for the action of the convention.

On motion of Mr. Morseil of Calvert,

Ordered, That the chair proceed *instantly* to appoint said committee.

Whereupon the chair appointed the following persons:

E. F. Chambers, of Kent, W. T. Wootton, of Prince Georges, John M. S. Causin, of St. Mary's, B. E. Gantt, of Anne Arundel, John Parran, of Calvert, Wm. Jenkins, of Baltimore county, Wm. S. Ridgway, of Talbot, James S. Cottman, of Somerset, Joseph Nicols, of Dorchester, Thomas S. Alexander, of Annapolis, Thomas Emery, of Queen Anne's, Jos. M. Palmer, of Frederick, James Nelson, of Harford, John Glenn, of Baltimore city, Wm. L. Gaither, of Montgomery, Gen. B. C. Howard, of Howard district.

On motion, the convention adjourned to meet at the court house to-morrow morning at 10 o'clock

10 o'clock Thursday morning, 13th Jan. 1842.

The convention met in the court house. Present as on yesterday.

Robert W. Bowie, Esquire, presiding.

A communication was received from George W.

Sherwood, asking to be excused from serving as secretary, in consequence of his duties in the house of delegates of which he is a member.

Whereupon, JAMES B. RICARD, of Kent, was appointed to fill the vacancy.

The following gentlemen appeared and took their seats as members of the convention, viz:

William C. Gott, Lyde Griffith, Edward Waite, Thomas F. Bowie, Robert Wright, Gratlon Terry, Horatio C. Scott, Joshua Hutchins, Charles W. Howard, John T. Johns, Jas. Boyle, James Murray Jacob Davis, Edward Worthington, William Gull, Richard Dorsey, John T. Worthington, Gen. Tench Tilghman, Horatio L. Edmonson, Philip F. Thomas, Robert Skinner, James Gales, Resin Gales, William Pace, Richard B. Carnahan, Edward S. Pace, William Hensley, B. D. Jackson, Samuel Dorsett, Hammond Stewart, Jesse J. Dalrymple, T. D. Hance, John Hance, Joseph N. Gordon, Thomas Iglehart, Chapman G. Harwood, R. D. Woodward, Solomon Hellen.

The president laid before the convention a communication from T. B. Skinner, addressed to L. Dennis Esq., of the house of delegates, with a request that it be laid before the convention

On motion of Mr. Gantt of Anne Arundel,

Referred to the committee appointed to report business for the convention.

Mr. vice president Howard, moved that the committee have further time to make their report, which was granted.

On motion of Mr. Gaither of Montgomery,

Leave was granted, the committee to sit during the sitting of the convention.

On motion of Mr. Mitchell of Kent.

The president of the convention was added to the committee.

And then the convention adjourned until 4 o'clock, P. M.

Thursday, 13th 4 o'clock, P. M.

The convention met in the hall of the house of delegates, present as in the morning.

On motion of Mr. Alexander of Annapolis city,

Ordered, That any person wishing to report the proceedings of this convention with a view to publish the same, be permitted to have seats on this floor if introduced by a member of the convention.

Whereupon, Mr. Hanlon, reporter for the Baltimore American, Mr. Hughes, for the Maryland Republican and Mr. Wee s, for the Baltimore Republican and Sun, were severally introduced and admitted.

Gen. Chambers, from the committee appointed to report business for the convention made the following report.

The committee of one from each delegation, have had under consideration various propositions, relating to the subject which has caused the assemblage of this convention, and respectfully report the following as the result of their deliberations—

That a memorial be presented to the legislature now in session, praying for the passage of a law embodying the following propositions.

Proposition 1st. A law to prevent all manumissions by last will. Also by deed, to take effect in futuro

Prop. 2d. To prevent manumissions except upon condition of instant transportation to some place out of the United States, and that, at the expense of the manumitter.

Prop. 3d. To prevent any free negro once leaving the state, ever to return to it unless he leaves as a servant of a white resident of the state and returns with him; and such resident shall first file a declaration in the county clerk's office of his intention to take such servant with him.

Prop. 4th. To prevent all free negroes from coming into the State, except as servants of persons travelling in or through the State.

Prop. 5th. To prevent the transportation of any free negro by rail road, steam boats, or other common carriers out of the state unless vouched for as free by

some person known to the conductor of the rail road, or captain of the steam boat, and no rail road or steam boat company shall be liable for refusing to transport any free negro unless he be vouched for as above; and any person falsely vouching for the freedom of a slave to be liable to punishment. The company still to be liable for conveying away a slave as heretofore.

Prop. 6th. To offer a high reward, to be paid by the state, for the arrest and conviction of any person who aids a slave to run away, or induces, or attempts to induce a slave to renounce.

Prop. 7th. That the owner of a runaway slave shall pay a reward for the apprehension of such slave; to be graduated by the distance from home where he may be caught.

Prop. 8th. To re-enact the law for transportation of convicted free negroes for felony, passed 1825 ch. 93.

Prop. 9th. So much of the act of 1831 as allows a manumitted negro (with a certificate) to remain in the state, to be repealed.

Prop. 10th. No free negro to have in his possession a gun, pistol, sword or other offensive weapon.

Prop. 11th. That the judges of the county courts and city court of Baltimore, appoint bailiffs monthly to attend the arrival and departure of every rail road car, and steamboat or other public vehicle of transportation to carry these laws into effect, to compensate them by a portion of the penalty imposed.

Prop. 12th. That all free negroes shall be obliged to register themselves on or before the 15th July next, and every twelve months thereafter, in the office of the clerk of the county, and no certificate of freedom of an older date shall be good. And the clerk shall annually publish a list of those registered in some convenient newspaper and send a printed copy to the secretary of state.

Prop. 13th. That the state pay the expense of any case which may arise in any state where the state law may conflict with the act of congress of 1793 to test the constitutionality of such law.

Prop. 14th. To avoid all sales or gifts hereafter to be in debt of slaves to free negroes and mulattoes, the slave so sold or given, to be liable to be sold out of the state, and the master so selling, punishable by fine in the discretion of the court.

Prop. 15th. That an additional provision to the act of 1833 chapter 325 be made, prohibiting the reception of such papers, as are alluded to in that law, unless the person receiving the same forthwith return the same to the post office.

Prop. 16th. That every free negro shall give responsible security annually, for his or her good behaviour of such security be not given, such negro, so failing to be brought before such justice of the peace, by a constable or any other person in who shall cause him to be hired out, and out of his securing wages, pay the constable or person \$10.

Prop. 17th. An act to render penal the omissions of sheriffs, magistrates and constables to enforce all laws respecting free negroes and slaves, and every constable before he proceeds to act shall take an oath well and faithfully to execute all the laws of the state.

Prop. 18th. Free negroes with real estate to have it added at their death and the proceeds to be distributed to their legal representatives and hereafter no free negro to be allowed to hold real estate or leasehold interest which shall have longer than a year to run.

Prop. 19th. That all free negroes who have been bound out within the last two years shall be free, whenever they shall determine to leave the state, by paying to the master, such sum as the orphans court shall adjudge, and that it shall be the duty of the orphans court of the several counties in the state and city of Baltimore, from and after the 1st January 1844, to bind out at the age of 8 years, the children of all free negroes then in the state, to serve until they arrive at the age of 21 for males, and 18 for females. The master shall give security to be approved by the orphans court, to pay to the child when it arrives at

the respective ages of 21 and 18 the sum of \$75 for males, \$25 for females, provided the said child shall leave the state; or if previous to the child's arriving at the age of 21 or 18 as the case may be, it shall consent to leave the state, or its parent shall remove out of the state then the master shall give up such child and if it has served more than 8 years the master shall pay to the child or its parent such sum as the orphans court shall determine.

Prop. 20th. That no meeting of negroes for any purpose shall be permitted after sunset, and all laws inconsistent with [this] provision to be repealed.

Prop. 21st. That if any free negro who may have a license from any christian denomination, either to preach or exhort, shall hold or attend any meeting prohibited by law, he shall for the first offence be subject to a fine and imprisonment, and for the second offence be sold out of the state.

Prop. 22nd. Any retail dealer who shall sell or give to any negro, slave or free, or the agent of any such negro, any spirituous liquor or wine, or shall otherwise directly or indirectly furnish intoxicating drink to or for a negro, to be liable to a fine of \$100, one half to be paid to the informer.

On motion of Gen. Chambers,

The convention proceeded to the consideration of the several propositions submitted by the committee. On motion of Mr. Alexander,

The first proposition of the committee was laid on the table.

The convention then proceeded to the consideration of the 2d proposition.

Mr. T. F. Bowie offered the following as a substitute for said proposition:

A law to be passed prohibiting emancipations either by last will, or by deed, or otherwise.

The yeas and nays being called appeared as follows:

YEAS—Messrs. Ringgold, Mitchell, James Kent, Harwood, John T. Hodges, John Ridout, Franklin, Somerville, L. L. Weems, J. T. Wilson, W. W. Bowie, W. D. Bowie, Bradford, Carroll, Thomas F. Bowie, John T. Johns, Edward Worthington, Edward T. Poca, Hensley, H. L. Edmondson, Tench Tilghman—21.

NAYS—Messrs. R. W. Bowie, Emory, Wilkon, Wilmer, Chambers, Gordon, Brodzen, Sellman, John P. Willson, Ighehart, Snowden, B. E. Gault, Pettibone, Dorsett, Alexander, John Johnson, Hotchkiss, Farran, Estep, Hammond Stewart, Dairymple, Frisbie, Jenkins, Sta. Sherry, Davall, Street, Ridgeway, D. Wilton, Snowden, Keely, Woolton, Carter, Duckett, Ghieslin, Robley, Hutton, Tyler, Kemp, Palmer, Hanson, Schley, Grafton Hammond, Rutledge, Glenn, Kenley, Pitts, Gaither, Bradlock, Gott, George Howard, Allen, Thomas. C. D. Warfield, Upton D. Welch, Lanthorn, W. H. Worthington, Waite, Hutchins, Charles Howard, James Boyle, James Murray, Goff, William Poca, Carter—62.

So it was determined in the negative.

The question was then put on the adoption of the 2d proposition of the committee;

Determined in the affirmative.

The 3d proposition was then considered, when

Mr. Glenn offered the following amendment—*or* unless he shall leave the state for the purpose of visiting some one or other of the American colonies on the coast of Africa."

Which was adopted.

And the 3d proposition as amended was then passed.

On motion, the convention adjourned until to-morrow morning 10 o'clock.

Friday morning 14th, 10 o'clock

The convention met. Present the same as yesterday.

Mr. vice president Emory in the chair.

The proceedings of yesterday were read.

The 4th, 5th, 6th, 7th, 8th, 9th, 10th and 11th propositions were severally considered and adopted.

The president of the convention appeared and took the chair.

The 12th proposition being under consideration, Mr. Wilmer offered the following amendment: *after* the word county insert as follows—"under a penalty of fifty dollars."

Determined in the negative.

Mr. Duckett offered the following amendment—"when they shall surrender their old, and receive new certificates of freedom."

Mr. Ricard offered the following substitute for Mr. Duckett's amendment, which was adopted—"when they shall surrender their old certificate, and the clerk upon request, and on being satisfied that any free negro thus registered desires to remove from the county, either temporarily or permanently, shall furnish him, or her, with a certificate of his registration, and if said negro shall remove permanently he shall file said certificate within ten days after his arrival in the county to which he may remove, and if his absence shall be temporary he shall return said certificate to the clerk from whence received within five days after his return."

The 12th proposition as amended was then adopted.

The 13th and 14th propositions were then considered and adopted.

The 15th proposition being under consideration, Gen. Tilghman offered the following amendment—*after* the words *wand same*, "in the 5th line, insert *'have been found in the possession of any one within the state.'*"

Which was adopted;

The 15th proposition as amended was then adopted.

The 16th proposition being under consideration,

Gen. Tilghman offered the following amendment—*strike out* "\$10" and insert "\$50;"

Determined in the negative.

Mr. Woolton offered the following amendment—"and in case said negro thus hired out shall abscond from service, upon his apprehension he shall be sold out of the state."

Which was adopted;

The 16th proposition as amended was then passed.

The 17th and 18th propositions were severally considered and passed.

On motion, the convention adjourned until 4 o'clock, P. M.

Friday evening 14th, 4 o'clock.

The convention met. Present the same as in the morning.

Mr. vice president Howard in the chair.

The 19th proposition being under consideration,

Mr. Alexander offered the following substitute:

"That the laws relating to apprentices ought to be so amended as to authorize the orphans' courts of the several counties, to bind out the children of free negroes and mulattoes who have no visible or settled mode of subsisting, and providing for the subsisting and training of their children, or who are unable from their idle and vicious habits to bring up their children in honest and industrious habits; and that idle adult negroes and mulattoes, and such as have no visible, certain and settled mode of subsistence, might likewise be bound out to service for one year, and so from year to year until their habits shall have been reformed."

Which was rejected.

Mr. Edmondson moved to strike out "44" and insert

"43;"

Determined in the negative.

On motion of Gen. Chambers,

The blank was filled up with "75 for males and 25 for females;"

The 19th proposition as amended was then passed.

The 20th and 21st propositions were then severally considered and adopted.

The 22d proposition being under consideration, Mr. Franklin moved to insert the words *"or physician"* after the word *"master."*

Mr. Scott moved to insert the words *"mistress or agent"* after the word *"master,"* when,

On motion of William D. Bowie, Esq.

The second clause of the proposition was stricken out.

Mr. Duckett moved to amend the proposition by striking out the words "or free;"

Determined in the negative;

Gen. Tilghman moved to insert after the word free, the words "or agent of any such negro;"

Determined in the affirmative;

The 23d proposition as amended was then passed.

Mr. W. W. W. Bowie moved to reconsider the 8th Proposition;

Determined in the affirmative;

The 8th proposition being under consideration,

Mr. Pitts offered the following substitute:

That they shall pass a law requiring all the courts of this state to sentence all free negroes who shall be convicted of any penitentiary offence, or any riot, or keeping a disorderly house, or any aggravated assault and battery, (unless in the last case the party convicted shall give good security to be approved by the court before which such conviction shall take place,) in the sum of \$500 for his, or her, good behaviour for twelve months from such conviction, to be sold as a slave for life beyond the limits of the state other than to the District of Columbia, and after deducting all the expense of prosecution, sale &c., the balance of the purchase money to be paid to the treasury of the county, or the city of Baltimore, or Howard district, where such conviction may be had; that the sheriffs of the respective counties and the district aforesaid, be charged with the execution of the sentence above prescribed.

Which was rejected.

Mr. Richardson offered the following substitute:

Resolved, That it be recommended to the general assembly that they pass a law directing the courts of justice of this state, that whenever any free black shall be convicted of any offence, the punishment of which by the law as now stands would be confinement in the penitentiary, that it shall be the duty of the court order the convicted party to be sold out of the state for the period that they, in their discretion, might confine him in the penitentiary, and that if any free person or persons of color be convicted of any misdemeanor or misdemeanors, other than those which subject the party convicted to confinement in the penitentiary, that then the convicted party shall be punished by sale or banishment, in the discretion of the court, out of the state of Maryland for a period not less than six months nor more than years.

Mr. Wooten moved to strike out the words "or banishment in the discretion of the court;"

Determined in the negative.

Mr. Johnson offered the following amendment—"with a provision that after the period of banishment or sale has expired, the said negro shall not be permitted to return to this state, and that in case of doing so, such negroes shall be liable to be sold as slaves for life beyond the limits of this State;"

Which was adopted.

Mr. Duckett moved to strike out the words "by sale or;"

Determined in the negative;

Mr. Richardson's substitute as amended was then adopted.

On motion of Gen. Chambers,

The 1st proposition was taken up for consideration. Mr. Alexander offered the following substitute: That it is inexpedient to impose any other restraints on the power of manumission, as is now exercised, than is hereinbefore suggested.

Which was rejected.

Gen. Chambers moved to insert after the word "law," the words "to take effect after the 1st of January 1844;"

Determined in the negative.

Mr. Johnson offered the following substitute:

That no negro shall be manumitted unless by deed, to operate in *presenti* and upon condition that the slave, or slaves, so manumitted be sent beyond the limits of this state at the expense of the manumitter, and that no slave be manumitted by last will and testament,

unless the slave or slaves so manumitted be sent beyond the limits of the state, within twelve months from the death of the testator at the charge of his estate; and in neither case shall the manumission take effect unless the same may be done without prejudice to the rights of creditors.

Determined in the negative.

The 1st proposition was then adopted.

Mr. Spence offered the following proposition:

To repeal the provisions of the act of 1827 ch. 15, so far as inconsistent with this provision.

Any person or persons who shall persuade or entice, aid or assist, a slave to runaway from his master, owner or employer, and any person or persons who shall harbor or conceal a slave or slaves knowing him or them to be runaways, and the fact of his or their being on the premises owned, rented or occupied by a free negro or negroes, shall be *prima facie* evidence of such knowledge, shall be liable to be indicted and upon conviction, shall, if white, undergo a confinement in the penitentiary for a period not less than years, and if such person shall be a free negro and convicted of this offence he shall be sold out of the state, and the whole of the proceeds of such sale to go to the informer, who shall be a competent witness in an action against such negro or negroes, and if such negro be a slave for life or a term of years, he shall upon conviction be sold out of the state, and his full value be paid to the owner.

Which was adopted;

Mr. Hanson offered the following proposition:

That each and every hawker and pedlar shall be made to pay at the rate of the sum of two hundred dollars a year for a license to trade as such.

Which was adopted;

Mr. Spence offered the following proposition:

To repeal that part of the 2d. section of the act of 1833 chapter 224, entitled "an act relating to persons of color who are to be free after a term of years" which says "that the party applying for such grant has distinctly and particularly notified such servants of the existence and effect of this law, and that this information has failed to correct his or her habits before they proceed to issue any such grant or authority."

Which was adopted;

Gen. Chambers offered the following resolution:

Resolved, That a committee of five members of the convention be appointed by the chair, to prepare the memorial to the legislature which is proposed in the foregoing proposition.

Which was adopted;

The chair now left the following gentlemen to compose said committee:

Gen. B. C. Howard, Charles H. Pitts, Joseph M. Palmer, Tench Tilghman and P. F. Thomas, Esqrs.

Gen. Tilghman offered the following proposition:

That it be recommended to the legislature of this state, to pass a law regulating the duration of the holidays to be given to negroes at Christmas, Easter, and Whitsuntide.

Which was rejected.

Mr. Gaither offered the following resolution:

Resolved, That the members of this convention pay to the door keeper of the house of delegates, each the sum of 25 cents to be equally divided between himself, and the door keeper at the court house.

Which was adopted.

Mr. Sellman offered the following:

Resolved unanimously, That the thanks of the members be tendered to the president, and other officers of this convention for the impartiality, promptitude and ability, with which they have presided over its deliberations.

Which was unanimously adopted;

And then the convention adjourned, *sine die*.

R. W. BOWIE, *president*.

B. C. HOWARD,

THOMAS EMORY,

THOMAS WILSON,

JNO. A. CARTER, } *vice presidents*.

JAS. B. RICARD, } *secretaries*.

TWENTY-SEVENTH CONGRESS, SECOND SESSION.

SENATE.

—In the yeas on page 348, 3d column, Mr. Mangum's name was omitted. With his name, the yeas stood as correctly reported 21 to nays 20.

JANUARY 25. Numerous petitions were presented and referred, in favor of the bankrupt law, and a few against it.

Mr. Pierce submitted a resolution calling upon the secretary of the treasury for full information in respect to the commission of investigation into the affairs of the New York custom house.

On motion of Mr. Berrien, the chairman of the judiciary committee, the senate proceeded in committee of the whole to consider the bill from the house repealing the bankrupt law.

The chairman stated his views in full upon the bill, and the proposed question of repeal. He regarded the action of the senate as presenting a spectacle at this time over which the enemies of free institutions might rejoice, showing as they did the instability of American legislation. He felt called upon to resist the question of repeal for many reasons, official as well as personal. In the first place he was opposed to the repeal, as wrong in itself. In the second place he had been solicited by unfortunate men to speak a word in defence of the bankrupt law. Finally, a majority of the members of the Georgia legislature had expressed themselves in opposition to a bankrupt law. As to the bill of the extra session, he regarded it as adequate to the public wants. If it was not, there had been no evidence of the fact since its passage, and experience founded upon the practices of the law would afford the best evidence of its inefficiency. He, therefore, trusted that the law would be enforced, and that time might be had to test its virtues and its errors. Mr. B. next proceeded to consider in detail the complaints against the bill before the senate.

The law of 1800, the English bankrupt system, and all the laws in relation to this subject were minutely examined. The constitutional power of congress under this law was fully considered, and it was argued that the grant of power was as full and ample as any one could desire. It was a grant of plenary power over the whole residue of the subject. In the operations of the law he thought the constitutional power would be admitted. Mr. B. referred to the opinions of the supreme court to sustain the constitutionality of the law. More than this, it was said that a good reason was found for action upon this question from the fact that the action we were called upon to make was not only in harmony with law of the land, but in harmony with the acts of beneficence.

At three o'clock he gave way to a motion that the senate proceed to executive business, after the transaction of which, the senate adjourned.

JANUARY 26. Mr. Smith, of Indiana, presented a petition from citizens of Harrison county of that state praying a repeal of the bankrupt law and expressed his views briefly by his own action should not comply with their wishes. He had given his views at the former session and did not intend to take part in the present debate. He had looked for an expression of the opinion of the legislature of his state, but as he had received no instructions he was determined, if he should err, to err on the side of humanity.

Other petitions for or against repeal were presented and all referred to the judiciary committee.

Mr. Clay presented the resolutions of the state of Kentucky, against the repudiation of state debts.

The senate resumed the consideration of the bill from the house for the repeal of the bankrupt law, and Mr. Berrien concluded his remarks against its repeal.

Mr. Smith, of Connecticut, next addressed the senate and believed that seven-eighths of the people of his state were opposed to the bankrupt law. They had originally opposed giving the power to congress, nor did he now believe it to be constitutional.

In conclusion he said that he might have misunderstood the views of his constituents in opposing the law, but he believed he did not.

Mr. Huntington, of Connecticut, had no evidence that a majority of the people of his state were opposed to the bankrupt law. A new legislature had been chosen since he had given his vote in favor of the bill, and they had not, although they had discussed several national measures, spoken upon this subject. He should vote for this benevolent, wise and humane law.

Mr. Bayard arose and was about to express his reasons of opposition, when on his motion, the senate adjourned.

JANUARY 27. Many petitions in relation to the bankrupt law were presented against repeal or postponement.

Mr. Young, of Illinois, in presenting one from citizens of New York, against its repeal, expressed his views in few words upon the bill. He considered the law as a temptation to dishonesty inasmuch as a man who had \$300 and owed \$1,000 would pay a thousand by surrendering the three hundred. It was not true as the senator from Georgia, (Mr. Berrien had contended), that we did not have a lien upon the hopes and expectations of the people. Such a doctrine would destroy the basis of legislation, general spending of debt. In his state the bankrupt law would produce more evil than good and he should therefore vote for repeal.

Mr. Tallmadge said that the senator from Illinois has stated that, under the act, the bankrupt is entitled to the sum of three hundred dollars out of his effects, after he has got his discharge. And he has depicted to us the enormous injustice which might be practised in the new states. He says the bankrupt might owe one thousand dollars, and from his indebtedness be discharged by the bankrupt law; and then, with the three hundred dollars allowed him out of his effects, he could purchase a quarter section of land, and have enough over to build his log cabin, purchase his team and commence the world again, at the expense of his creditors, a respectable farmer. If this were all true, there would be some foundation for the senator's objection. But it is altogether a mistake. The three hundred dollars allowed by the law is merely for the necessities of the bankrupt's family, his wife and his children. It can, in no case, be applied to the discharge of his debts. It is for the use of the assignee, under the supervision of the court, to allow that sum or less, as he shall deem proper.

The proviso of the third section, will, at once, put this matter at rest.

From this *proviso*, it will be seen that my friend from Illinois has entirely misapprehended the act in relation of the three hundred dollars to the bankrupt; and, with the explanation which I have given, his objections, of course, fall to the ground.

The senator from Illinois also encounters another difficulty, namely: that there is no particular amount of indebtedness required to entitle the bankrupt to take the benefit of the act. He is aware of the objection which would be raised if a particular amount were required; that it would be said the act was for the benefit of the poor man, and that the poor man would be excluded. Now, Mr. President, when the original bankrupt bill was reported by the committee, it required that one should be indebted to the amount of five hundred dollars in order to be entitled to the benefit of it. I moved to amend it so that one should be indebted to any amount whatever may be his indebtedness, be it great or small; my amendment was adopted, and the door is now open to the small as well as the large debtor. There is no evil in this; none will apply unless they feel their condition hopeless, and that they can incur the expense of conforming to its provisions. The door is thus open to all, whether their indebtedness be little or great.

The senator from Illinois also thinks the operation of this law would be a kind of repudiation of debts. Sir, there is no sort of analogy between the indebtedness of individuals and of states. The wealth or means of a state does not consist merely of her public property—that is a mere item—but it consists in the wealth and means of her citizens; in their ability to contribute to the public burdens; in their ability to aid, by their labor, to the productive industry of the state; and, therefore, in the ability of the state to meet her engagements. This is what constitutes a state. She cannot rely on the mere amount of public property to meet her engagements. She must rely on the means, on the brawn and muscle and sinews of her citizens. She must strike off the shackles which bind the limbs of men, whom God designed to be free men. She must put them in a condition to support themselves, their wives and children, instead of being a mere open friend, ready to do the bidding of the community. To decide the question of *repud* as speedily as possible, will induce me to forego any further remarks at this time.

Mr. Young said he did not disagree with his friend in regard to causes of hopeless insolvency. He would extend relief to such. He would not however give relief to those who having some little property were to be discharged for an inconsiderable debt.

The senate then proceeded to the consideration of the bill for the repeal of the bankrupt law, and Mr. *Bayard* arose and said that there was an extravagant hyperbole in estimating the number of bankrupts at 500,000. By the last census there were 900,000 engaged in commerce, manufactures and trade. There

might not be 900 persons who would seek the benefits of the law. Mr. B. next discussed the constitutional question. His great objection to the law was its unconstitutionality.

Mr. *Chaote*, of Massachusetts, said that three reasons he would state for sustaining the retrospective part of the law. Massachusetts a creditor state, was in favor of the law. The legislature had passed resolutions in its favor. There were due to that state at this time \$15,000,000 in the southwest. It was not a romantic notion of the rights of the creditor, but a fact that actuated Massachusetts in its favor. The creditor can now get nothing, and the property surrendered would not be lost in being surrendered. The debtors by being once free would become the customers of his state. And also it was a moral right to pass such a law. In Boston night after night the eloquent appeals that this bill might remain the law rose and tell like the billows of the

Mr. Benton commenced his remarks in opposition to the law again, but yielded to a motion by Mr. Sevier, and the senate adjourned.

JANUARY 25.—Mr. Graham presented a bill making an appropriation to reopen Roanoke inlet. The waters of Albemarle sound, now had their outlet to Pamlico sound and the Ocracoke inlet to the ocean, and vessels were compelled to perform a voyage of 120 miles in going south and returning by Cape Hatteras to the north, with expense of lightage over the shallows, and be exposed to the dangers of the cape. The commerce of that section amounted annually to \$3,000,000 and employed 100,000 tons of shipping. The bill contemplates reopening the inlet 60 miles north of Cape Hatteras, the passage through being 3 mile in length, and was referred to the committee on commerce.

The senate then resumed the consideration of the bill for the repeal of the bankrupt law and Mr. *Benton* concluded his remarks for its repeal. The question was then called for, and the yeas and nays being ordered the result was as follows:

YEAS—Messrs. Allen, Archer, Bayard, Benton, Buchanan, Calhoun, Fulton, Graham, King, Linn, McRoberts, Morehead, Pease, Prentiss, Rives, Sever, Smith, of Connecticut, Surgeon, Tappan, Woodbury, Wright, Young—22.

NAYS—Messrs. Barrow, Bates, Barrien, Choate, Clay, Clayton, Evans, Henderson, Huntington, Kerr, M'Nair, Merrick, Miller, Phelps, Porter, Simmons, Smith, of Ind., Southard, Tallmadge, Walker, White, Williams, Woodbridge—23.

[Before the vote was announced, Mr. Mangum said he desired to say that his friend Col. Preston was absent by understanding, with a senator from Louisiana, (Mr. Mouton), opposed to the repeal, and who had left the senate upon special business, as was known to the senate. The two senators had paired off.]

And the senate adjourned to Monday.
JANUARY 31. Mr. Simmons announced the death of his colleague the hon. Nathan Fellows Dixon, of Rhode Island, and delivered an eulogy on his character and services.

Mr. Woodbridge then arose and offered resolutions of the usual respect, to wear crape and attend his funeral, and that the senate do now adjourn, whereupon the senate adjourned.

HOUSE OF REPRESENTATIVES.

When the house adjourned on Monday, Mr. Chapman, of Alabama, said in prefacing a motion made himself also to adjourn that we had now arrived at the last point; it was a grave question, and deserved the solemn and deliberate consideration of the members. He therefore moved that the house adjourn, &c.

TUESDAY, JAN. 25. Mr. *Fillmore* from the committee on ways and means reported bills making appropriations for the civil and diplomatic expenses of the government for 1842, with a report for the army and military academy for 1842; for the navy for 1842; for the expenses of the Indian department for 1842; and also for pensions for 1842, which were all referred to the committee of the whole on the state of the union. He also moved resolutions which were agreed to, discharging the committee from the further consideration of a bill for the relief of the heirs of the late John A. Bland, and referring the same to the committee on military affairs.

The house took up, on motion of Mr. *Fillmore*, the treasury note bill and the amendments made thereto by the senate, but Mr. *Cooper*, of Pennsylvania, having moved to lay them on the table, the vote was yeas 92, nays 111, and the question recurring on the amendments of the senate, Mr. *Spring* arose and commenced same remarks, when he was cut off by the expiration of the time for which the unfinished business of yesterday had been postponed.

The unfinished business of yesterday was the resolution offered by Mr. Gilmer in censure of Mr.

Adams, which Mr. J. C. Clark had moved to lay on the table. Mr. Clark's motion was negatived by yeas 94, nays 112. (Mr. *Adams* voting in the negative.)

Mr. Marshall then arose and submitted resolutions which he desired Mr. Gilmer to accept as a substitute for his motion, and as follows:

Whereas, the federal constitution is a permanent form of government, and of perpetual obligation until altered or modified in the mode pointed out in that instrument; and whereas, the members of the said instrument, by their character and powers from the same, are sworn to support it; and the dissolution of the union necessarily implies the destruction of that instrument, the overthrow of the federal government, the annihilation of the national existence; a proposition, therefore, to the representatives of the people to dissolve the organic laws framed by their constituents, and to supplant which they are sworn to support, is a proposition, which no man can enter into the execution of the political powers created by it and entrusted to them, is a high breach of privilege, a contempt offered to this house, a direct provocation to the people, and a violation of the laws against perjury, and involving necessarily in its execution and its consequences the destruction of our country and the

Resolved, therefore, That the hon John Quincy Adams, member from Massachusetts, in presenting for the consideration of the house of representatives of the United States a resolution praying for the dissolution of the union has offered the dearest and holiest thing to the house of which he is a member, an insult to the people of the U. States of which that house is the legislative organ, and will, if this outrage be permitted to pass unrebuked and unpunished, have disgraced his country, through their representatives, in the eyes of the whole world.

Resolved further, That the aforesaid John C. Adams, for his insult, the first of the kind ever offered to the government, and for the wound which he has permitted to be aimed, through his instrumentality, at the constitution of the United States, and the peace and security and liberty of the people of the States, might well be held to merit expulsion from the national councils, and the house deem it an act of grace and mercy when they only inflict upon him their severest censure for conduct so utterly unworthy of his high position, and they do hereby do for the maintenance of their own purity and dignity; for the rest, they turn him over to his own conscience and the indignation of all true American citizens.

Mr. M. then addressed the house in their support. He disavowed any personal feelings against Mr. Adams and any sectional feelings against that portion of the union which he represented. Their family names had been in years gone by connected together in the country's history. Mr. M. had in his youth advocated his election to the presidency and throughout his administration had supported him. He had always been courteous towards him and had himself made the motion to give the gentleman the floor to vindicate himself from the charges made against him.

But when a proposition so monstrous as this was brought forward, and at such a time of confusion and difficulties, coupled with a motion of reference to a committee to take the matter into consideration, he was struck with horror; he would not have believed it possible. There might be men out of the house wild and reckless enough to invite this government to dissolution, perjury, treason, moral treason at least; but that there was a man on this floor who would have assumed the responsibility, he had not

thought. He had heard whispers of the kind on the street but had rejected them with incredulity. To press this thing by without notice on the part of congress he thought would be sacrilege. This proposition coming from the quarter it did, assumed a political importance and consequence. He, through whom the proposition is made to pull down the temple, was once the high priest ministering at the altar. His name had gone abroad with that of the union. He deprecated sectional distinctions. The people of the north were bound as strongly to maintain the perpetuity of this union as those of the south. Would they

say that this congress should take measures of consideration of a matter which those who hate their country its union and its peace have started. The instructions coupled with this proposition, that the committee report against the prayer of the petitioners did not affect the question, except to make it worse. Was such a monstrous proposition to become

matter of legislative consideration? If presented, the precedent, so far as it went, amounted to this, that in the judgment of the mover the dissolution of this union was a fair subject of legislation—a debatable question, to be looked upon by the eye of a legislator as a thing within the scope of his power. That was the precedent which was to be established upon this journal, and which he would meet at once with the severest possible rebuke within the power of this house. Had it been his own father who had moved this proposition, he should have pursued precisely the same course towards him which he had done here.

He hoped that the action of this house on this subject might go abroad to the nation and to the world; and whatever else of misery or of mischief might

hereafter in coming years ensue, that at least this congress would for one moment, permit any member of this body to make himself the vehicle by which a proposition so monstrous was to be laid before this body, which could not be sustained without doing to themselves and incipient ruin to all who were to come after them.

Oh what a source from whence to present a proposition for a dissolution of the union! Massachusetts, of all lands on which Heaven's sun sheds its bright radiance—Massachusetts to come forward to lay before the man numbering and signing his name, a proposition to make for the first time a proposition to dissolve the union! If she has any shame left it be aroused, and let the severest censure of this house fall upon him through whom this proposition has been brought forward.

Mr. M. having concluded—

The speaker informed the gentleman from Massachusetts (Mr. Adams) that the position which he held authorized him to occupy the floor at this time.

Mr. Adams arose slowly and said that he had little to say at the present time. The gentleman from Ky. (Mr. M.) had said that he had no personal hostility against him but was grieved that the instructions of his constituents had been poured on him (Mr. A.) the vials of the wrath of this nation as having committed the greatest crime of which man is capable. The gentleman had thought, he (Mr. A.) supposed, that he was making a great deal of political capital. He was surprised at the charges the gentleman had brought against him, and he had not been prepared to meet them. The constitution defined what treason was, and it was not for him (Mr. M.) or his party mind to confound that which he had done with treason. He here desired the clerk to read the first paragraph of the Declaration of Independence (which was accordingly read). If there was a principle to be laid on this earth, established by what had just been read it was the right of the people to alter change or destroy their government whenever it became oppressive to them. If the people had not the power of coming here and undertaking a process of this kind to state their grievances, there could be no such right existing. As for himself, the instructions which he had come with his motion for reference, refute any slanderous imputations against his attachment to the union and its constitution. Whatever gentlemen might think of the petitioners they were not the only men to whom the opinions expressed in their petition were familiar. He wished to meet them, to reason with them, and convince them that they would not come to adopt this measure; but that there were privileges and resources that could be resorted to without that last, the right to which is so clearly established in the Declaration of Independence. These petitioners complained of the oppressions of the last eight or ten years. Mr. A. regretted that he (Mr. M.) was not one of those who would not to confirm and repeat the oppression. He did not allude alone to his great activity and instrumentality in obtaining the repeal of the bankrupt law. When the time should come for him to answer this resolution, if the house should think proper to act upon it, he would enter at large into the grievances which might be justly complained of, among them the denial of the right of petition.

The gentleman, in one of his fits of candor, not long ago, had said that he was sensible that the course pursued on this subject was a wrong one, and in conversation with him (Mr. A.) had said that he would vote for the repeal of these petitions, and yet he would whenever he was called on against their reception.

Mr. Marshall. Will the gentleman from Massachusetts say that I declared that I was in favor of receiving these petitions?

Mr. Adams. Yes; you did. Not this petition, but former petitions. He contended that the gentleman himself, by saying this, had received the petitions, or was at least in the reception of these petitions, and admitted that it was an oppression on the part of that portion of the union to refuse to receive their petitions. And when he (Mr. A.) came to that in the defence which he should make, if called on, he should consider other matters of oppression which he had acted on, he had acted on and state before this house how that portion of the country whence that gentleman came, was endeavoring to destroy the right of *habeas corpus* and of trial by jury, and all the rights in which the liberties of this country consist.

He would show how, in that portion of the country, that was a systematic attempt even to carry it to the dissolution of the union, now carrying on between different states. He would look into the controversy between Virginia and N. York, between Georgia and New York, and between Georgia and Maine, in order to prove the constant system and purpose to destroy all the principles of civil liberty among the free states; and by power to force the detected

principles of slavery on the free states of this union. He would show it by documents and by reference to arguments which had been used in such a manner as to give no man a house in which to stand the truth of it. He had seen, and he was now seeing, that among those measures so constantly and so perseveringly pursued, was the project of smuggling this country into a war with Great Britain for the purpose of protecting the slave trade, African and American. He had seen that that was the object of this house, and he was now seeing that this petition was to give the alarm to the people of that portion of the country whence he came. It was time for them to take the alarm, or they would find themselves smuggled into a war for the protection of the slave trade, and that the most absurd and false principles of the house of commons, as they were called by our minister in England, all for the purpose of smuggling this country into a war with that government under pretence of defence against her aggressions. He would show all this in the utmost detail if he was called on to defend himself against this charge.

It was to be sure, a matter of some importance to him what the decision of the house might be upon this subject at this time. But it was of infinitely more importance to the portion of the country whence he came to know the conspiracy which is existing, in order to force the system of slavery upon them. It was a state of things which he was sure that it would be otherwise remedied, he said that the course provided in the declaration of independence was the course it was proper that the people of that portion of the country should take, and which they were bound to as a duty. If the right of *habeas corpus* and the trial by jury were to be suppressed, and abolished, in the name of society, in the name of northern democracy, it was time for the people of this union to see if they could not throw it off, and to present petitions like this.

He said his opinion was that the time for this measure had not yet arrived. If the petition was received, and the committee reported why his prayer should not be granted, he proposed that he would be satisfied with it, and that the vast portion of the free people of this union, who are very near agreeing with these petitioners, would be propitiated, and would see that there are other remedies to be pursued; and among them, first and foremost, was the restoration of the right of petition, which had been suppressed, in the last seven years, in which he had been struggling to restore for that length of time.

They had made a law establishing a home squadron. The gentleman from New York, (Mr. J. G. Floyd), a few days ago, had said it was a great humbug. He (Mr. A.) now believed it was. But he must confess, when the bill came to this house, in his mind he had favored it very much, thinking it ought to sustain the honor of the country. He had read the report of the secretary of the navy, and seen what was the object of this home squadron—that it was for furnishing a convoy for slave trading vessels!

What was the essence of the objections of the gentleman from Kentucky (Mr. Marshall) against a petition of this sort? What was the reason he had taken such tremendous fire at the presentation of such a petition? Not at its being contained in the smallest degree by him, (Mr. A.) but the mere fact of the presentation of the petition of others who complain of oppression. Turn it to high treason, and to-morrow they would have a proposition to alter the Constitution, to make a change in the mode of electing, in the other end of the capitol to alter the tenure of the executive power; that was a dissolution of the union, a change of the tenure of the powers of the different departments of this government; and by it they totally dissolve this government. They could not have another if they dissolved this, and he, as he said, was not a man who was not attached to this government, to which the gentleman was so much attached, as any thing they could do in reference to the prayer of this petition. While in one part of this house there was a regular formal proposition made by a predecessor of that gentleman for an alteration in the constitution of the house, (Mr. A.) in the other part of the house, in his belief, to be equivalent to a dissolution of the union; for, in its consequences, he had no sort of doubt it would be so. All this was very fair and proper. The gentleman had made a very eloquent speech, and was answered; but who ever thought of his being charged with high treason, and with being the author of a right which cannot be taken from the people of the United States, or any individual, to petition this house for peaceable measures for the dissolution of this union, as well as any thing else; and this being the case, he did not hold that the house had a right to suppress that right on the part of the petitioners. Still less to suppress the right of free reason. If so, the next thing they would be to

declare that it was high treason to ask for the abolition of slavery in the District of Columbia, or for the prohibition of this infamous slave trade. And with reference to the bankruptcy law, which the gentleman took a most special interest, the bill for the repeal of which had been pressed through this house in violation of every form and right of freedom of speech; if there had come a thousand petitions against its repeal, the gentleman would make it high treason to present them. He would not do worse than he had done—that was to prevent the presentation of petitions when they were here. He (Mr. A.) knew that the people of the free states had been and were under great grievances and oppressions, from the acts of this house, for the last seven years, and especially in reference to the right of petition. When gentlemen looked at the bankruptcy law, and at the resolution, consider that Kentucky had had ten days for the presentation of petitions, and the bill had been carried through in accordance with their prayers, while the other portions of the union were deprived of the right of presenting petitions at all. If they had not violated the right of petition they would never have seen this petition, and they would never have seen that tyranny and oppression which had carried the people far beyond the bounds of reason for the remedy.

He was not acquainted with the persons who had signed the petition; they did not belong to his congressional district, but to a portion of the commonwealth of Massachusetts, as pure in virtue as any in this nation; and he was not prepared to suppose, surely not that he should be charged with high treason, but in the expectation of the feeling which any unusual petition produced in this house under this gag rule, by which the house constructively suppressed any petition they thought proper—aware that there would be opposition, he had taken the precaution to request the gentleman from that district to ascertain from the vicinity of the place whence the petition came, whether there were such persons there, what their character was, and how far he might depend upon it that it was a genuine petition proceeding from a respectable source. His colleague had done it, and ascertained that the petitioners were respectable and respectable persons ought to be heard and received. They were not, perhaps, of that pure aristocratic blood which the gentleman from Kentucky once boasted that he came from, but men quite as good as any of that blood of which the gentleman was so proud.

He would apologize to the house for having said even so much. He could not possibly suppose that this house would entertain the proposition at all; but if they did, he should ask an opportunity—

Mr. Cooper said. If he understood the resolution aright, the adoption of it was to be the end of the matter; and any defence which the gentleman might propose to make must be previous to the adoption.

The speaker stated to the gentleman from Massachusetts (Mr. Adams) that the question before the house would be on the resolution of the gentleman from Kentucky (Mr. Marshall).

Mr. Adams said if it was the intention of this house now at once—[cries of "now, now"]—to proceed to the decision of this resolution, he must submit. Was it ever known that, to a man on whom charges of this kind were started of a sudden and totally unexpected, no time was to be allowed for his defence.—If the ordinary course of business in this house—the printing of the resolution and fixing the time for its consideration—was to be done, and then the house to make the motion and then water to decide this resolution, he must submit. He was in the power of the house.

The speaker said if the gentleman from Massachusetts (Mr. Adams) desired further time, he himself, or a friend for him, could of right submit a motion to postpone the further consideration of the subject.

Mr. Everett would merely state that the resolution of the gentleman from Kentucky presented probably one of the most important questions that had ever been offered to the consideration of the house. He would say that if the doctrine of the resolution was carried out, it would produce a revolution by force in this country—"peaceably if they can, forcibly if they must"—not that the intention of dissolving this union prevailed in the eastern states in any greater degree than in other portions of the union. But if no peaceable mode could avail for the redress of grievances, it should become intolerable, then it must be done by force.

Did the gentleman contend that, under the provisions of the constitution, if every section of the country should be satisfied that government had failed to accomplish its objects, there was no mode of producing this peaceably, but that it must be done by a revolution and dissolution and then was the doctrine of resolution. The constitution contemplated any

change, any alteration, from the smallest to the greatest principles of this government; and not only this, but provided for the future government, whenever the crisis is present, for in the different conditions of the union, should be found next bearing. He hoped we should have no forcible revolution; if there ever should be a cause for a dissolution of the union, the remedy would be found in the provision of the constitution, and would be peaceable.

It would be perfectly competent to the states to add an amendment to the constitution, which would change it in every feature. The people were omnipotent as to the effect of the change. He looked on the resolution with alarm. It was an initiatory step to consequences which he hardly dared to contemplate.

But he rose, in consequence of the importance of the question to the country, and of the position in which the gentleman from Massachusetts was placed, to move that the resolution be printed, and the postponement of this subject to some day that the house should choose. He thought, when matters were proceeding to this point, they should go deliberately to work, and not act in precipitation. He would submit the motion that the substitute be printed, and its further consideration be postponed until Tuesday next.

Mr. Wise. I rise not to utter one word upon the question. I would not raise my voice in this hall on a question like this, and I will not say that I will raise my voice from the tomb may be heard. I ask that the Farewell Address of Washington may be read here. I have marked the passages I wish the clerk to read.

[Here the book was sent to the clerk's table, and various passages, relating to the necessity of resisting the first attempt toward dissolving the union, and warning his countrymen of the danger of foreign influence, were read.]

Some of them, at Mr. W.'s desire, were read twice. At the close of one of them the voice of Mr. Adams was heard, exclaiming, "that should have been thought of when the gag was put on."]

The clerk having apparently gone through—
Mr. Wise said he had had these portions, of that venerable document read and recited, it is said, that had been present here, and witnessed the recent scenes in this hall, could not have pictured them better from the life than he had prophesied them in this address. He had marked the rise of the spirit of division from its very dawn, and had pointed to its cause, its fearful cause, which was the effect of foreign influence.—"The influence of the work upon the mind," was the question throughout this nation. Some were moving in the general cause from religious feelings—feelings of religious fanaticism—unconscious, blindly unconscious, of the consequences—the dreadful, the inevitable consequences of the course they were pursuing.

Mr. Wise resumed and said he would not persist on this subject, and for the reasons he was stating when interrupted. Persons were operated on in their adherence to abolitionism from various motives. Religion and sincere conviction persuaded some, political motives others. The latter that those who were governed by political motives, he believed, *designed* to produce that effect towards which their course tended. From the earliest day of the republic there existed two great parties distinguished as the English party and the French party, the Jacobin and the Tory. Some had taken part even from the infancy of the nation. Some were better than the gentleman from Massachusetts. This antipathy to the slaveholding portion of this union, this inborn hatred to the democratic party, wherever it might be located, had grown up with that English or Tory party which had denounced Thomas Jefferson as "the red waistcoat," representative of the country party, and had been in secret alliance with France. The nation had evidence of the hatred of this English party to Mr. Jefferson, and its antipathy to slaveholders, in doggerel rhymes aimed at his domestic relations. No one better knew to what poetry he alluded than the gentleman from Massachusetts, the gentleman who it was that wrote those scandalous lines on the domestic life of one of the purest patriots of the revolution. He could tell who it was that could turn and forsake the friends of his father, in the fury of his apostate zeal, could prey upon the dead like the vampire.

Mr. Everett again interposed, and called Mr. Wise to order for irrelevancy.

Mr. Adams. I hope he will be permitted to go on. Mr. Wise resumed. He said that after writing doggerel rhymes on Mr. Jefferson—after deserting the early friends of his father, and trampling on the dead of his father—

after going for the domestic crumbs, and then setting out for Ghent—

Mr. Everett here inquired of the chair whether a personal attack on an accused party could possibly be in order on a motion either to print or postpone?

Mr. Wise. I have mentioned no names. I spoke generally of the English party and its adherents; but, if he can fit anybody, let him wear it.

The speaker replied that it was not for the chair to know that the remarks of the gentleman from Virginia were intended as a personal attack; he would be out of order and wholly inconsiderate in the speaker to say that the gentleman alluded to any particular member of the house; he was understood to be speaking about some political party in the country. If his remarks became personal, the chair would call him to order.

Mr. Wise resumed, and said that if, after all his earnest and repeated attempts to arrest the debate, gentlemen would insist on debating this subject—

"Come on, Macduff,
And damn'd be he who first cries, hold, enough!"

He was not, to be sure, prepared in body, for he had a severe cold in his lungs and head; but he was at all times politically, mentally, and morally prepared to meet the occasion. He again said, that after treading on the graves of members of the old English party, the early friends of his father, and then going to Ghent and incorporating in our treaty with England a provision for the payment for slaves, which had stood the severest test of the British government, and then turning to assassinate the murderers, like those on board the *Crooke*, but for runaway, who had forsaken their masters' plantations, and gone on board the British fleet—that same authority now came forward and told this house that we could not consent to go with England for the support and maintenance of slavery, and this under flagrant circumstances of violence done to the national flag in behalf of mutineers and murderers!

Mr. W. here said something, not more than half heard, about the gentleman's again turning, because the democracy of the south would not acknowledge (here his voice was quite lost in the babel of sounds that filled the hall.)

Mr. W. when again heard, was observing that there were certain great points of history to which might be traced all that occurred of late in reference to this subject. If we went back to 1801, we should find the old English party defeated and prostrated by an old Dominion slaveholder. And if we went down to 1828, we found the same party vanquished again by a Tennessee slaveholder. It was these successive defeats which had enabled certain leaders to array the elements of opposition at home against the democracy both of the south and the north, for not only had the southern democrats been denounced as enemies to freedom and to the right of petition, but even the delegations of New Hampshire and Maine had been reviled as gag politicians because they considered the provisions of the constitution as the only true foundation of our liberties. Whatever might have been the change which denounce the signal declaration of independence there had certainly been a revival of the old English feelings in a certain quarter after the defeat of 1828. Father and son had successively been prostrated by the democracy of the north and the south, and that was the reason why the union of southern democrats with the northern democrats was so warmly welcomed by our English American politicians.

Not a democratic fall to understand—but he, would not put it on mere party ground—he would say let no American citizen fail to see through the hypocrisy of these self-styled philanthropists. Let them not fail to notice the consequences of the course they pursued. The black army of sixty thousand men was raised in Jamaica, and every O'Connell was issuing his mandates to every Irishman in the United States (and Mr. W. esteemed the Irishmen and did not wish to see them misled) to join the abolition English American party, and strengthen it by their votes, our country had succeeded to it by an ex-president of the United States, a proposition to dissolve the union. Yes, while the English abolitionists were moving on Jamaica, and contemplating to make their next demonstration on Cuba—while they were establishing lines of a commercial marine connecting England and West India with this country, and thus opening the way for a military marine to follow, which at the first sound of the tocsin would pour in armies of trained free blacks upon the whole south, this proposition to dissolve the union was simultaneously brought forward.

There was another very singular contrast in the events of the present hour which he could not fail to notice. At the same time that England was maintaining the most odious and abominable system of slavery that was to be found on the face of the globe, and using it as an instrument in the production and culture of a deadly vegetable poison, to be in-

posed by force on a people so unwelcome and so timid in their national character that they had taken the pains to build an immense wall to keep themselves aloof from other nations; and while the British marine were cruising on an expedition for this very end, her own party in this country were pressing in this hall that America could never go to war with England for the sake of maintaining the tenure of slave property.

Mr. W. said he wished to be distinctly understood. He spoke of this body of men which was called the old federal party. His own father (he was understood to say) had supported the principles of that party, and every relation he had in the world, living and dead, had been old-fashioned Virginia federalists. Nor should they ever want an advocate where he was present. But there had been members of all parties who united together and took sides with a foreign government against their own country. This faction had been composed of men who had never felt any sincere attachment to free institutions, but had ever been disposed on the contrary to array themselves and wield their influence in opposition to them. This was what he meant by the old federal party. He never had given that name to the English party, as it had once existed in this country. He mentioned this in justice to himself, and to prevent misunderstanding. To return, then, he again inquired how were the gross and glaring inconsistencies which were waged by England—a far more cruel and expressly on slavery of the severest kind—did not tolerate a war against England in behalf of the rights of the slave-holders? And how happened it that men who held these sentiments should be found bringing forward toy plans for upturning this government. Mr. W. here said he held in his hand a paper printed at Nassau, New Providence, to which he made some reference, not understood by the reporter, and then proceeded to read long extracts from another document entitled *Frazier's Magazine*; the writer of which maintained that, however it might be doubted how far it was lawful to enter into a crusade against the slaveholders, the purposes of such a crusade, there could be no doubt as to the morality of making a war with such a nation, commenced on other grounds, to be subservient to the object of setting free three millions of oppressed human beings, in which reference was also had to the black military force which was being organized by the government of our southern states, through whose agency a war with us might be brought to a speedy close, and a dissolution of the union immediately effected. A course like this the writer insisted to be dictated by philanthropy. Mark it, cried Mr. W. old and young, philanthropy is involved in behalf of an object like this, and the gentleman from Massachusetts says yes to it.

Mr. Adams. Yes, no doubt.]

The gentleman had said more. He had declared that, in case of an insurrection of the slaves against their masters, if the power of the north should be invoked under the constitution to aid in suppressing such a war, the effect might be emancipation.

Mr. Adams. Yes, sir.]

The gentleman had gone yet further, and had maintained that if the 21st rule should be continued in force this session, three-fourths of the states of the union would be *ipso facto* absolved from their allegiance to the constitution.

Mr. Adams here interposed to explain. He had not said that such would be the case, but that the rule would be such, and the effect might be emancipation. The policy were persevered in, and the rule were permitted to remain for the future as a settled rule of this house, that then those states would be absolved from their allegiance to this government.

Mr. W. resumed. The house had persevered in it, and here was the proposition of the gentleman to dissolve the union, and the corresponding question, whether the dissolution would follow, *ipso facto*, should the 21st rule continue. Let the world judge of such a course.

Mr. Adams. Yes, let the world judge.]

Why was it that the gentleman told the house that in moving the reference of the memorial he had at the same time moved instructions to the committee to come to a resolution that it was not expedient at this time to read the prayer of the memorial be complied with? Yes, he had moved such instructions, and what did they amount to? No more than this: that it was not expedient to dissolve the union just at this time—not yet—not now. For the present, the process of agitation had not gone on quite long enough.

the water. In connexion with this subject, the late governor had, with true wisdom and philosophy, discussed the proposal of abolition made by them to the people of the United States, and had very clearly and convincingly shown that the design of those who urged it was, while they gave personal freedom to the negro, to establish a new and more extensive market to abolish black slavery that we might have in its room that white slavery which was the lot of the serfs in some of the despotic European governments and of the operatives and lower classes in Great Britain. These benevolent gentlemen asked us first to free ourselves from the shackles of the old constitution, by introducing among them that distinction which marked the systems of monarchical government. Mr. W. observed that, wherever black slavery existed, there was found at least an equality among the white population, but where it had no place such equality was wanting. He then asked us to consider the question which we must be brought at last. Look at England. We would not compare the white man of the north and the white servants there, or stop to show their inequality. The principle of slavery was a levelling principle: it was friendly to equality.—Break down slavery, and you break down equality. Mr. W. then appealed to the democratic principle of equality among men. [A laugh in one portion of the house.] Mr. Wise then appealed to the "democracy" of the house for our defence against this abolitionist-dissolutionist party, and went into an argument to show that at the instigation of this party, the late governor had been nominated for the presidency, and a Thomas Morris, of Ohio, for vice presidency. This Mr. Birney of Pa., [series of "no"] of Mass. then, [series of "no"] a cosmopolitan then, and this Mr. Morris was set up in prompt response to the advice of that foreign English agent, Sturge. The speaker then proceeded to show that England and America as a critical juncture in consequence of our present relations with England, upon which relations, he enlarged and the questions now open between the two countries. They were first the N. E. boundary, but the house of Brantree (for there was a place called Brantree in the State of Maine, and the capital town of the state of Maine. There was the Oregon question, and here he complimented Mr. Cushing as having done every thing that he could have done for that question. He would call upon Kentucky to aid him in strengthening the naval arm of the U. S. by establishing a new navy on the African coast, and said that he would have exerted against the protection of the whale fishery in the western seas that was exerted against the establishment of a home squadron. [Mr. Adams. A home squadron in the Pacific.] No, he said no such thing.—Another question was the right of search upon the African coast, and the right of improvement of the river, of suspicion, and of Dartmouth prison. We were defending "free trade and sailors' rights."—Another question was the confiscation of American property in the British colonial courts. Another question had reference to the shielding of fugitive criminals against extradition. Another question was the controversy and the mediated monopoly of the tea trade. Another was whether she was to regulate our relations with Mexico and Texas.—The bans between Texas and the U. S. were forbidden by the foreign abolitionist English party and the northern states might be allowed to destroy the southern states, while the south must be checked by the State.

One fact, that had been brought out to view, (whether on good authority or not he did not pretend to know,) that although there had been so much loud declamation in a certain section of this union against Texas for refusing to abolish slavery within her borders, yet it now appeared that when Mexico emancipated her slaves, it was charged by a certain secretary of state then in office as being an act unfriendly to the United States. Mr. W. gave the name of the individual (but the reporter could not catch it) on whose testimony this was said to have been lately discovered in a pamphlet recently put forth by that person, he had declared that, having had personal access to the archives of Mexico, he there saw despatches from the American secretary of state protesting against that act of emancipation as an act unfriendly to the United States. Mr. W. added something here about the negotiation of the treaty of 1823, which was too impetuously interrupted, and he reported without hazard that the session was understood to be to court our southern views for the presidency, but of this the reporter is not sure.

He next adverted to another open question with foreign power other than Great Britain. While Texas as was no favorite with the Anglo-American Abolition dissolution party, there was another state which enjoyed the warmest beams of their favorable regard; he alluded to our black sister republic of Hayti and it was a great object with them to get her inde-

pendence recognised by this government, for the purpose, he supposed, of seeing the Quashipompo caricature, which had once created so much merriment in that hall, actually realised. Yes, Quashipompo appeared, in the person of a tall, thin, black-skinned, black-haired, dressed out in all the negro finery of his diplomatic costume, as one of the foreign ministers, and to attend the president's levees in solemn state. He would next walk into this hall, and be introduced to southern gentlemen here as their equal, if not a superior. He would then be introduced to the ladies, and be received at our entertainments, and, as a high foreign functionary, he must of course give entertainments in return. This was the sort of amalgamation so earnestly sought to be introduced by a certain class of zealots among us. This was what Mr. W. W. Phelps, the abolitionist, would call a "good" amalgamation introduced, not into the country merely, but into the *court*. And he did not doubt, if monsieur Quashipompo should enter here with his crooked negro shins and his splay feet, shining and glittering in negro splendour, and thus to be introduced to the ladies, that he would shortly become thirty or forty gentlemen of that house who would be forward in showing him every mark of affectionate welcome and personal respect and reverence. Was this to be tolerated? Was it to be endured that an English influence was to be introduced into our country, and that our very practical tests of universal emancipation?

Here, then, Mr. W. said, were eight distinct and delicate questions in the foreign intercourse of this government, all having a direct bearing on this fearful subject.

Mr. W. he eulogized the secretary of the navy for his able report, and said the home squadron was intended for any thing but the convoy of slave traders. We were to have no home squadron however; emancipation, emancipation by the aid of a foreign maritime power, was an object too dearly cherished, at home and abroad, to be given up by putting the country in a state of defence. This was the true meaning of the movement against a home squadron. And he warned gentlemen (here Mr. W.'s voice suddenly suffered a syncope, and the sentence was irrecoverably lost to the reporter's ear.)

When our population had been but three millions we had proved ourselves able to achieve our independence. When it was seven millions we carried to a successful issue a second war for free trade and sailors' rights; and he was determining whether we were to conquer or be conquered now when our population had reached seventeen millions. But those defences which British cannon had failed to break down, were now to be broken down by a British party infamy. On you, gentlemen, Mr. You shall have your reward. I am so far as to come within chief justice Marshall's decision in Burr's case, and you shall get your help! England had one naval depot at Halifax and she was making another in Bermuda. Such was the rumor. She was planting herself at both ends of our coast, and she would be there. But England was not to be suffered to go on and prepare her dockyards and her arsenals, and to establish one depot after another; she was to make contracts to supply them, not only with her own citizens but with the merchants of Boston; she was to establish depots at points, and from those points to form point to point, and from an unbroken line of speedy communication; every thing was to be put in readiness to facilitate the approach of a combined force to act simultaneously against the coasts of the United States; and we were to do nothing, we were to stand home, we were to let our ships be taken, our leaders, our men in the shape of defence, lest, furthest, we should be providing defences for slave property.

Mr. W. said that, on a subject so vital and so general as this, he looked to the north as he looked to the south. He had as much confidence in the one as in the other. When war did come, if come it must, the Connecticut sailor would meet the sailor on the Chesapeake, and both would act with the sailor from New Bedford, and they would fight side by side to defend the common honor of us all.

He said it to be were two modes in which our federal union was to be broken. One was that he had just adverted to, the striking down of our national defenses; and, while the south should be left defenseless, to excite insurrection, and then interfere with the treaty-making power. The other was, that the south, which the north was not merely to be abandoned to, but was to be actually driven off, driven away from the residue of the union; and this was by the enactment of a high, onerous, unequal, oppressive, unjust, unconstitutional tariff. On this point there had already been raised the invidious distinction between free labor and slave labor. The former, he said, had been the darling of the Federalists, the latter the bane of the Tories of England, when he raised this cry of free against slave labor, had taught them the actual truth and philosophy of that

cry, and had exposed it to its merited contempt.— Yet, in the face of that demonstration, we heard the self-same cry raised by the tory party on this side of the water.

The abolitionists and the dissolutionists might again assemble at Hartford, and declare it against their religious sense of right to go to war with England to defend slave property; but their fate would be the same as had in religious retribution overtaken their predecessors—to be hated—to be ever after suspected—to become a by-word—and, he would not say, to be politically damned in the minds of all true-hearted Americans and of their descendants.

Mr. W. has thus far been speaking of Great Britain as of an enemy of the United States. He did not wish to be mistaken. That England was grasping in her policy; that she was tory in her policy just now; and that she might plead the pretext of a fiery, patriotic, and patriotic policy, was true. But the United States both here and in her own dominions, he did not doubt. But he was not one who either hated or dreaded Great Britain. From England and from Scotland he derived every drop of the blood in his veins. From that fatherland he derived our laws and our institutions. He was a native of the land of Shakspere, of Milton, and of Locke; it was, moreover, the land of *magna charta*. He loved her, honored her; he loved her arts; he loved her learning; he was proud of his descent from her; but he hated English arrogance; he hated English selfishness; he hated English policy. He was a policy to encourage the most friendly intercourse with her, and he felt disposed as a man to add to that feeling of friendship a feeling even of veneration.

But he, for one, would say that, if a war with England had come—just as such a war was necessary to receive among us an American feeling, the old spirit of American pride and independence—he cared not how much blood and treasure it might cost. Let war come, rather than that we should rust in peace and suffer an English party to destroy the institutions of our country. Yes, let the war—go forth. Again, he would say, that, if a war with England was necessary, it was a thing to be done with honor and revival, and that American aid and love of country which he had achieved our independence, the sooner it came the better. Peace with England was no doubt our true policy; but if we could not maintain peace without degradation, it was our true policy no longer.

Mr. W. said he had hitherto been speaking against the danger of foreign influence. But, let it be remembered that the voice of that farwelled address which Washington bequeathed as his last legacy to his beloved country, warned us no less against the danger of foreign influence than against the ruinous consequences of arraying the north against the south—the east against the west. Yet, what have we seen in the very teeth of that address, solemnly read in this hall? A deliberate proposition to separate the northern from the slave holding states of this union! A petition, asking not merely for a separation of the two sections, but for a separation in the most offensive and irritating terms—denouncing slavery, as a despotism which ought to be destroyed by the forcible interposition of the federal government! A petition which asked the residue of the union to unite against thirteen of their sister states, united with them in the same principles and the same rights! I need not to hear that farwelled address of Washington denounced here, or elsewhere, as a “sage.”

Mr. Adams here interposed, and said that on this point the gentleman was mistaken. When the clerk in reading from the address, came to that clause in which the father of his country called upon his countrymen to frown upon the first attempt to dissolve the union, Mr. A. had said, "you ought to have thought of that at the time you put on the gag." And now the gentleman might go on at his own discretion.

Mr. W. *Wise* resumed. He should not so far imitate the example so often set by the gentleman from Massachusetts of going on, after he had been corrected at a point of fact, just as if no correction had been made. Mr. W. had been mistaken; and he was glad to find that he had been in an error.

Yet he had not been surprised at what he supposed he had heard; because the union of these twenty-six happy independent sovereign states was a much more sacred thing than Washington's farewell address, sacred as that was. The thing Washington had said could not be taken for granted, for it was a new thing, and it was surely more sacred than the address which recommended his countrymen to preserve that thing which it was an act wholly partaking of sacrilege—a act from which the gentleman shrank with horror—to denounce the address, oh how could he ask, as a son of one of the venerated patriots of the revolution, that he should do this to him? He had seen Washington and heard his living voice—who else who served his country well, and had in return been rewarded by that country—how could he bring him-

subject, not among the people, but *am ex sollicitudine*. He resolved to put them in a predicament in which, if they voted to receive this memorial, they should take the consequences for all time to come; or, if they refused to receive it, to tell him on what ground they could ever hereafter vote to dissolve the union. Here was the true line between the right of petition and the right of legislation; and in the great ardor in behalf of the cause, neither seemed to have been almost entirely forgotten.

With these remarks Mr. W. had done with the subject forever. He left it to the house to decide what course they would pursue with the gentleman from Massachusetts.

Mr. W. having concluded,

Mr. Underwood rose and was recognised by the speaker; but,

Mr. Adams rose and said he desired to say a very few words. He wished to make a preliminary point. He questioned the right of this house to entertain the resolutions of the gentleman from Kentucky, (Mr. Marshall), and he called upon the speaker to decide that question.

The point raised by Mr. Adams was then reduced to writing, and in the following words:

"Mr. Adams makes the point of order whether the house has the right to entertain this resolution, because it charges him with crime, inasmuch as this house has no jurisdiction; and because if the house entertain the jurisdiction they deprive him of rights secured to him by the constitution of the U. States."

Which having been read.

Mr. Adams asked that the resolutions of the gentleman from Kentucky, (Mr. Marshall), might be read, inasmuch as they charged him, (Mr. A.), in the first place, with subornation of perjury; and, in the second place, with high treason.

And the preamble and resolutions of Mr. Marshall having been read—

Mr. Adams proceeded. I request the clerk to read, in support of this point, or of the inquiry, as the speaker or the house may think proper to consider it, the sixth article of legislation of the constitution of the United States.

The clerk then read as follows:

"The resolutions of the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; that he be confronted with the witnesses against him; that he be compelled with the witnesses against him to produce a compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence."

[After some interruption,]

Mr. Adams proceeded. I propose to address the house on the ground that they have no jurisdiction in the case; that they cannot try the culprit, still less can they punish him. The honorable charges two crimes, the first being capital, the second of the party accused is at stake; and the other as gross and aggravated as it could be if it were capital; and, therefore, the house could expel me. This is the *batheo* of the proposition. If I were guilty of these two crimes—

[After some interruption,]

Mr. Adams proceeded. I did not make this point of order yesterday, because I was, in fact, tried, so far as the proceedings went, without knowing what the charge against me was. I was not permitted to read the resolution; it was sprung suddenly upon me; and there was a determination to decide the case immediately. The speaker intimated to me that if I made any thing, it was my defence. I must do it now. I made what defence I could at that time, without knowing what the charge was; but when I came to read the resolution in the newspaper, I found that a charge of two crimes, among the gravest that can be committed by man, were made against me, and of them, I have said, involving the forfeiture of my life. It seemed to me that this was not the proper tribunal, and I thought it was the duty of the speaker to have stopped the thing instantly. I did not this morning make the proposition, because I desired that the gentleman from Aconee, (Mr. Wise), should have an opportunity to pour out all the words which make the whole volume which he has been treasuring up and accumulating for the last two or three years past, which he has so often manifested a disposition to discharge, and which, finally, he has had an opportunity of doing to the utmost extent of his power. He has done so, and I say in reply to him on this subject, I propose not to enter into the history of my life from the time I was in the cradle up to this hour; to ransack every thing, good, bad and indifferent, I have ever done, and to put the worst construction upon it. I repeat, I have very little to say at all. I am unwilling to occupy the time of the house

with myself or my own history in any shape or form; and it is most reluctantly that I am compelled to do so.

The gentleman asked to be excused from voting, because, he says, on a former occasion he excepted to me as his judge; and, therefore, it was just and fair that I should except to himself.

Sir, there is another occasion which I hope the house will be able to try me for the only thing which, in my opinion, they can try me for. It is to say, a contempt of the house, under the proposition of the gentleman from Virginia, (Mr. Gilmer), the late governor of that state. But there was, I say, an occasion, about four or five years ago, of a trial of the honorable member of the house for crimes. There came to this house then a man with his hands and face dripping with the blood of murder, the blotches of which were yet hanging upon him; and the question was put, upon the proposition of those very democrats to whom he has this day rendered the tribute and homage of his thanks, that he should be tried by this house for that crime—the crime of murder. Sir, I opposed the trial of that crime by this house. The house thought proper to refer the subject to a committee, and that committee reported—I am not sure that it was an expulsion; I think not. The report if I recollect—(and I should be glad to be corrected)—was to the effect, that the gentleman from Virginia, Mr. Gilmer, which, as I have said, I suppose to be the only one on which the house can act, because the house will see what was done on a former occasion when a member was brought up for trial—that report, I think expressly required the expulsion of a man far less guilty than the other one of the blood which was upon him; because he happened to draw the trigger which levelled to the earth another member of this body. But that far more guilty man, who, I say, came into this house with hands and face dripping—with the blood-spots were yet visible upon him—I opposed as much as possibly could, that the man by this house, because it was (like the present) a case in which the charges made were of the highest nature—charges involving the very lives of the parties; and I thought that they should be sent to the proper tribunal. I thought that they should be tried where they might have the advantage of a competent instrument (holding up the constitution of the United States) by which they should have the right of a speedy and public trial, by an impartial jury of the state and district wherein the crime was committed—that they should be confronted with the witnesses against them—that they should have the benefit of compulsory process to obtain their own best evidence—that they should have the aid of counsel in their cause.

I was willing that the parties to that atrocious crime should be sent to their natural judges—to have an impartial trial—and that the action of this house, either by expulsion or otherwise by censure, should not take place. I expressed that opinion in this house, and I expressed it very strongly opposed its action; and it is very probable that I saved the house from the censure of the house at that time. I contributed as much as I possibly could to that end; and I wish, if I am to be called upon to answer for crimes before this house, or even to answer on a charge of contempt, that the precedent should be required to—that the fact should be put upon the table should be brought fresh to the memory of the members of this house.

The report of that committee was not finally acted upon; and by its not being finally acted upon, the man of whom I speak escaped all punishment from the house, although his hands are reeking with the blood of murder, and that too, the murder of an associate brother member of this house.

Mr. Wise here interrupted Mr. Adams.

Mr. Adams. Ah! Does the gentleman rise to a point of order?

Mr. Wise, (addressing the speaker), said he rose to inquire of the speaker whether his (Mr. W.'s) character or conduct was involved in the issue before the house, and whether it was in order for the member from Massachusetts (Mr. Adams) to charge him with the crime of murder, and with being stained with innocent blood? A charge made by a man who had—had he applied to the members who were present at the time to confirm the statement—defended him (Mr. W.) from the charge on the floor at the time, and not upon any technical grounds, but upon the merits of his case and conduct. And who had, as he (Mr. W.) was informed, by one of his (Mr. A.'s) own colleagues, secured the attendance and presence of the large assemblage of thousands of people in Massachusetts, in primary assembly, and who pledged himself to the truth of his defence; and yet who has since, from personal revenge for subsequent causes of hostility to him, (Mr. W.) again and again, no less than three times, uttered insinuations and recriminations against him on this floor? Mr. W. said he had never escaped from

trial in the case referred to. So far from it, he had even earnestly sought a trial from the house which arraigned him, and he was most unjustly refused and denied a trial. He was willing now to be tried—to go to Maryland and be tried—to be tried here or any where by a fair and impartial tribunal.

And he would now, for the first time, solemnly declare that he was not responsible for any thing which occurred in that duel, except what occurred on the ground of self defence in life a friend. And this he was at any time ready to prove whenever the fact was legitimately questioned or tested. And now he pronounced the charge made by the gentleman from Massachusetts as base and black as it was the traitor was black and base who uttered it.

Mr. Adams was understood to deny that he had ever justified the charge made by the use.

Mr. Wise repeated, he had been told so by one of the gentleman's own colleagues.

Mr. Adams. I say I never did defend the man on the merits of the case, and I never did believe but what he was the guilty man, and that the man who pulled the trigger was but an instrument in his hands. This was my belief in the beginning. And now he may go to his democratic friends from the north, to whom he has paid such tributes of applause, and we will see how they voted throughout the whole of that proceeding. I say nothing of the article in the Democratic Review, which I suppose the speaker saw published at that time. That Review is known to have been the publication of the democracy of this union, and there was an article in it at that time which would show what were the opinions and feelings of the democracy of the country on this question. The man, from which I took, at that occasion I take now, I demand that this house should not undertake to try me. Yesterday there was a considerable portion of this house ready to adopt the resolutions of the gentleman from Kentucky, (Mr. Marshall). Where did the gentleman get his law. As I certainly not from him, from which I took, in the manner in which every American citizen ought to speak of him. And when that gentleman referred to the relations which had existed between his uncle and my father, I did feel surprised that it did not disarm him from such a charge as he has made against me. I respect that gentleman and his talents; I think he will exert an effort at redemption of which he has recently taken the form, and that when, in the compass of two or three years, he shall have redeemed that pledge, he will blush himself at the want of that temperance to which he has devoted himself, in the very measure before the house. I think he will be able to make himself the ornament and the glory of his country.

He means to do so, let him go home—let him go to some law school, and learn a little of the rights of the citizens of these states and of the members of this house—let him learn that if there is a disgrace in this house, the preservation of such resolutions as these which he has offered to the members, charging him with crimes, ready to add them as proofs of crimes, and offering them as if the party implicated had been tried and found guilty. That is the foundation of his resolution: nor can the house adopt them without deciding that the person is guilty of the crimes.

And now, I ask whether the person is to be presumed guilty of these charges, and whether the house is to inflict the punishment upon him which, the resolution says, is founded upon his commission of these crimes. That article of the constitution which has been read provides that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury." The gentleman deny me the right of that impartial jury? He must do so before this resolution can be passed? He must deny me the power of being tried by an impartial jury. And will the gentleman say, that if I am to be tried by this house I shall be tried before an impartial tribunal? No, the speaker has sense and candor to say so. He himself is not impartial: the very draught of his resolution shows it.

I wish to speak of the slave-holders of this house and of the union with respect. There are three classes of persons included in the slave interest as representatives here. As to the slaveholder, I have nothing to say against him, except that if I am to be tried by him, I shall not have an impartial trial. I challenge him for partiality—for pre-judgment upon this question, as a question of contempt, which I repeat, is the only charge on which I can be made to answer. He is not to be tried by a slaveholder who has not only an interest, but the most sort of all interests—a personal, pecuniary interest—which will govern him. I come from a portion of the country where slavery is known only by name; I come from a soil that bears not the foot of a slave upon it. I have no interest in the descendants of Bradford, and Winslow, and Carver, and Alden—the

first who alighted on the rock of Plymouth. And am I, the representative of the descendants of these men—the free people of the state of Massachusetts,—that bears not a slave upon its soil—am I to come here and be tried for high treason because I presented a petition—a petition—to this house, and because the fancy or imagination of the gentleman from Kentucky supposes that there was anti-slavery or the abolition of slavery in my name, charges me with subornation of perjury and of high treason, and he calls upon this house, as a matter of mercy and grace, not to expel me for these crimes, but to inflict upon me the severest censure they can; and to decide upon that, there are one hundred members of this house who are not judges. Is any one of them impartial? No. I trust they will not consider themselves as impartial men; I trust that many of them will have those qualms of conscience which the gentleman from Aecemac (Mr. Wise) assigns as his reason for being excused; and that they will not vote upon a question on which their personal, pecuniary, and most sordid interests are at stake.

Mr. Wise. I never avowed any such reason. The reason is, the personal loathing, dread, and contempt I feel for the man.

Mr. Calhoun, of Massachusetts, rose to order. The gentleman from Virginia (Mr. A.) had proceeded with his remarks without interruption, and Mr. C. insisted that the same right should be secured to the gentleman from Massachusetts. (Mr. Adams.)

(Some words passed between Mr. Wise and Mr. Calhoun, of which nothing, beyond the accompanying gesticulations on the part of the former gentleman, is known to the reporter.)

Mr. Adams proceeded. I object therefore, to the resolution, in toto, as not only injurious to my rights, to the rights of my constituents, and injurious to the rights of all the free people of the United States, but because those who are to decide upon it are, so far as they are slaveholders, charged with it if they were jurors. They are not the judges by whom I ought to be judged; and they ought, every one of them, to exclude himself—either from that motive, or, if they please, the motive which the gentleman from Aecemac assigns.

Mr. Speaker, I will not multiply words. I simply say, that, as I cannot be tried by this house for the crimes alleged as the motives for the trial, so I protest against any attempt to force me to submit to the house to dismiss the resolution of the gentleman from Kentucky, as one upon which they have no power whatever to act. But, as I cannot prevent the action of the members of the house, whom I consider partial, and therefore disqualified from pronouncing on my rights, as well as the power of the majority. If they say they will try me, they must try me. If they say they will punish me, they must punish me. If they say that, in grace and mercy, they will spare me expulsion, I disdain and cast their mercy away; and I ask them if they will come to such a trial and expel me, I defy them. I have your threats to go to that will have something to say if this house expels me. Nor will it be long before the gentlemen will see me again.

It appears to me to be so clear that there is no right in this house to try and punish me, or to show me that mercy or grace which I disdain to receive at their hands, that argument is unnecessary. But they say so, I shall then require the application of the benefits which the constitution secures to persons tried for these crimes in judicial courts. I shall then claim to be heard in my defence fully—without interruption—without being set down again, as I was on a late occasion, after the house had promised to hear me, precisely as I was when I was coming to the most pointed proof of the case I sustained. I hope it will not be so. I hope that if I am to be tried for crimes, and to have the tender of the contemptible mercy of the house, I hope, I say, that it will be done in form: that a day will be assigned when I shall have the opportunity of speaking for myself, when I shall have the opportunity of collecting a few of those documents of which the gentleman from Aecemac has been making a file and bundle, that he might exonerate his bile upon me.

Here Mr. Adams concluded.

A conversation followed between Mr. Adams and the speaker in relation to the form in which the question on the point of order should be put to the house; when, on the suggestion of the speaker, Mr. A. consented that it should be put in the form of consideration, to wit: "Will the house consider the resolution?" And this question the speaker said was not debatable.

Mr. Marshall (who was indistinctly heard at the reporter's desk from the position he occupied) said he wished to offer a very few remarks in reply to the argument of the gentleman from Massachusetts. (Mr. Adams.) There were two points to be considered—one a matter of law, and the other a matter of fact.

The gentleman had assumed, in the first place, that the man charged by him (Mr. A.) as a subduer for that of the gentleman from Virginia (Mr. Gilmer) charged him (Mr. A.) with subornation of perjury and high treason, and that the censure of this house was invoked against him for these two offences. A very superficial examination of this resolution would satisfy a very gentleman, he (Mr. M.) thought, that the gentleman was mistaken in the fact. He (Mr. A.) was not charged with subornation of perjury or high treason, and in point of fact was not put on trial on either of these charges. It was charged that a proposition

"To the representatives of the people to dissolve the union, because of the franchise of their constituents, and to support which they are commanded by these constituents, to be sworn before they can enter upon the execution of the political powers created by it and entrusted to them, is a high breach of privilege, a contempt offered to this house, a direct proposition to the legislature, and each member of it, to commit perjury, and involving necessary and inevitable, and its consequences the destruction of our country and the crime of high treason."

Now this petition was not drawn by the gentleman, and he was not charged for it.

Mr. Adams. Why am I to be punished for it?

Mr. Marshall. Because, as a member of this house, the gentleman had permitted himself to be used as a vehicle by which a petition involving within itself the gentleman's own mistake in the fact, the representative body of the nation; and the charge against the gentleman of offence against the privileges of this body, for which he (Mr. M.) had ventured to arraign him, was not that he (Mr. A.) had petitioned for this object, or sanctioned the prayer of the petition, because a journal showed that he had at the same time moved instantaneously the passage of the petition. The gist of the charge was high treason itself, but that it would involve in its execution, if carried into effect, the consequences of high treason. That was the charge—that the gentleman had made himself the vehicle by which a proposition so gross was to be laid before this honorable body. This was a fair statement of the fact. The resolve—

Mr. Adams. What is the word "therefore?"

Mr. Marshall again read from the resolution: "Resolved, therefore, That the honorable John Quincy Adams, member from Massachusetts, in presenting for the consideration of the house of representatives of the United States a petition praying for the dissolution of the union, has offered the deepest indignity to the house of which it is a member, an insult to the people of the United States of which no house is capable, and will, if this outrage be permitted to pass unrebuked and unpunished, have disgraced his country, through their representatives, in the eyes of the whole world."

That was the charge, (continued Mr. M.) So far then for the fact. The gentleman had charged him with charging him (Mr. A.) with high treason. There was no such charge there.

Mr. Adams. It is involved in the resolution.

Mr. Marshall. God knows in what crime the gentleman may involve himself before he gets through this matter. He (Mr. A.) was only charged with making himself the vehicle for the presentation of this, and therefore with being liable to the contempt of this house. But even if it was, and the gentleman was charged with it: suppose the gentleman had offered a petition of his own to the house of representatives to dissolve this union, and had really done so, and that the members of the house, the petitioners were guilty of, did it follow that in point of privilege before this house, they would be entitled to inflict on him the punishment the law had established for this crime if he was found guilty of high treason? Was the inquiry made for the purpose of visiting him with punishment under the rules of this house, or with trying him, for the purpose of inflicting the penalty of the law?

If a member of this house should in the rotundo murder one of his fellow-members, because murder is tried by the law of the land, could not this house, so far as its laws extended, expel or censure the member under their rules? If the argument of the gentleman was correct, the same way of escaping censure or punishment before this house was to be guilty of some crime worthy of death. He denied the matter of law. If a member of this house bore arms against the United States, he was guilty of high treason; and if the fact were known to this house, did it follow a matter of law, because the courts of the United States would punish him, that therefore this house could not censure or expel him? He thought not. The house had the right to inquire into the matter, and to inflict punishment according to the law of parliament, of which they were the judges, and sole judges

Then, if he had not read his law utterly in vain, there would be the point of order to the house, and the gentleman had referred which would protect him, even if the charge were made, from the punishment of this house; and, second, he would find that there was neither in the preamble nor resolutions a charge of this kind. The preamble was simply a statement of the petition itself, and a declaration that it did not affect the house, and that the gentleman, forsooth, did the gentleman from Massachusetts learn his law? Not from his father, he was sure. These were doctrines that not only his (Mr. M.'s) uncle, but the gentleman's father, never taught. A petition to the congress of the United States to dissolve the union, or that they were to support it, was not an organic law of the land! If John Marshall or the Elder Adams ever thought the constitution of the land could be repealed by an act of congress, he had never found it in their writing; if so, his respect for both the gentlemen would be most essentially lessened.

He would go into more of this hereafter. He had made already the point of order to the house, and to the question whether the house had a right to entertain such a resolution? He thought there was not the most remote shadow of a doubt on this subject. He then referred to the case of John Smith, relative to his trial and expulsion from congress in 1807, and stated some of the facts connected therewith, and that the gentleman from Massachusetts would know whether the facts were true or not.

Mr. Adams said the gentleman from Kentucky, together with other members of this house, who had taken their pleasure to accumulate themselves on him, and ruin him if they could, it seemed were not sufficient from their own knowledge of law to meet him, but they must receive little dirty pimpling notes from the gentleman from Massachusetts, and he presumed that the gentleman from Kentucky was conscious that, without referring to this argument of his (Mr. A.'s) in the case of John Smith, he could do nothing. He wished every member of this house would read this case, and the reply; and they would see that this statement was a falsification from beginning to end, and then they would know the details of the history of this case, and said he was willing that this precedent should be taken and acted on; but was not willing to hear it stated that John Smith was expelled, and that through his (Mr. A.'s) influence.

Mr. Fillmore said he moved to lay the whole subject on the table.

The yeas and nays were asked by several members, and being ordered, were taken, and resulted in yeas 90 nays 100.

So the house refused to lay on the table.

Mr. Arnold appealed to Mr. Adams to withdraw his question of consideration, to allow him an opportunity to address the house.

Mr. Proffit moved that the house adjourn; which prevailing—the house adjourned.

THURSDAY, JAN. 27. Mr. Bots having requested that Mr. Adams withdraw his question of consideration in order that he (Mr. B.) might make his remarks on the main question, the speaker enquired of Mr. A. whether he withdrew the question.

Mr. Adams replied that he was desirous of making the question of consideration, from constitutional violation that the house had no right to try him. It was a proceeding against him, which he must protest as depriving him of this right, and for that reason he had been willing, when the motion was made yesterday to lay the whole subject on the table, it should be laid on the table, and he would not engage in any unprofitable debate, as the gentleman from Kentucky (Mr. Underwood) had denominated it, and which he (Mr. A.) was sure could not be more painful to any member than himself. He (Mr. A.) was desirous, if possible, to dismiss the subject; and, as business, he would not interfere, with the gentleman from Virginia (Mr. Wise) had indulged in a long tirade against him, he (Mr. A.) was content to let it pass, without making any remark whatsoever. He wished, therefore, that the subject should be dismissed, because, if taken into consideration, a debate of at least three weeks would follow, and the most important business of the country would, during that time, be set aside.

The speaker here intimated to Mr. Adams that if the gentleman withdrew his motion, the speaker would feel compelled to give the floor to the gentleman from Kentucky. (Mr. Underwood), if he desired it, who had risen to a point of order before the point raised by the gentleman from Massachusetts.

Mr. Adams said he did not intend to withdraw his proposition. I cannot withdraw it, because the house has no power to try me. I protest against it, because I believe, as I have said, that if once broached, a debate of three weeks is inevitable. So far as I am per-

sonally concerned, or so far as concerns the cause for which I am to suffer, if at all, I have no desire to be admitted on the contrary, I am desirous to give to the house and the nation all my thoughts. But this is not the time—this is not the place. I have an account to settle with my constituents—and I call upon them here to attend to every act of this house, as well as mine, on this subject. I shall prefer going directly to them.

The speaker, interrupting Mr. A. here remarked that the gentleman from Massachusetts was aware that this question of consideration was not debatable.

Mr. Adams. Well—I cannot withdraw the question of consideration. If the house choose to consider the resolution, let it be their act. All the consequences that may follow shall be the act of the house. Let me encourage the speaker, and not me. I will not be necessary in arresting the action of this house upon the public business at this time.

Some confusion ensued in distinguishing now the question before the house, and by yeas 118, yeas 73, some of the members having changed their votes in consequence of not apprehending the question as understood by the speaker, it was deemed to consider now the resolutions of Mr. Marshall.

The speaker gave the floor to Mr. Underwood.

But Mr. Adams rose and demanded the benefits of the sixth article of the amendments to the constitution of the United States, which said article is in the following words:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence."

And Mr. A. desired that the motion might be entered on the journal.

Mr. Underwood then resumed the floor, and addressed the house at considerable length. Mr. U. instanced cases to show that efforts made by this house to punish members for any infractions were all generally ineffectual. He mentioned the case of a member of this house in the Graves and Ciley affair, and he would prove that it was a palpable violation of the constitution for this house to undertake to go before the civil authorities in taking cognizance of crimes committed by its members. If the gentleman from Massachusetts had been guilty of the crimes alleged, Mr. U. resolved, this is not the tribunal before which he ought to be arraigned—were it otherwise, I object to the course proposed. To my mind, it is worse than bathos to say that, whereas a member of this house has been guilty of "treason and subordination of perjury," therefore you will censure him!

Mr. Marshall then interposed, and asked if the resolution charged the gentleman with treason, if he did.

Mr. Underwood said these crimes were implied in the very act of presentation of the petition, and that if the resolution was considered, they were called upon to inflict censure, mere censure, in a case which called for the severest punishment.

Mr. U. passed on to the subject of petition. Every one knows, said Mr. Underwood, that the gentleman from Massachusetts was not alone in his views of the right of petition. My doctrine is, there exists no right to petition, where there exists no authority to grant the prayer of the petitioners. I have voted against the 21st rule, because by that rule you exclude petitioners who have a right to be heard, as well as those who have not. A thinking people will not tolerate the existence of any rule that conflicts with their just rights.

As a slaveholder I have differed from my brethren on this floor in reference to the whole gag proceeding. I wish the question discussed—discussed to the heart's content of all who choose to discuss it; and let me say to my friends, and brethren of the south, that if we cannot bear the discussion of this question, we are already gone—gone beyond all hope of redemption.

He said, in reference to all these rules, denominated gag-rules, "away with them." They, (the south), were the weaker portion, were in the minority. The north could do what they pleased with them; they could adopt their own measures. All he asked was, that that they would let them, (the south), know what these measures were, and then they would show their hands; and when he and his constituents knew precisely what was intended, then they would be prepared to take the ultimate steps which became them as men. What then did the rules do? The gentleman from Virginia, (Mr. Fiske), the other day, notwithstanding the rules, had taken up abolition

papers, and read one after another to show the various abolition movements.

Mr. Underwood said the gentleman would do him justice, while making these remarks, and himself discussing the 21st rule on the subject of slavery as much as he. (Mr. W.) had done, to say that he, (Mr. W.) did all in his power in every form to keep off that discussion. After it began, and he was attacked, he was obliged to discuss this subject; and he hoped the gentleman would excuse him for doing what he was compelled to do against his own will.

Mr. Underwood said he had not censured the gentleman; far from it. He had no objections to his discussing it fully, and to northern men talking in the same way. His policy had been to ascertain what northern men intended. Let them all discuss as much as they pleased on this particular topic. They had attempted, by the 21st rule, to suppress debate on this subject; and that attempt at suppression, in failing to show who had the right to petition and who had not, and been the source of all agitation, alarm and apprehension on the part of the people he represented. He wanted this thing done away with.

One thing, he very well knew, that the state in part represented had a deeper stake in this matter than any other except Maryland and a small portion of Virginia. Separately the union, and slavery was done in Kentucky, Maryland, and a large portion of Virginia. It had been a common practice for southern men to say, "touch this subject and we will dissolve the union." Their remedy was the destruction of the thing they wished to save. He believed however that the people of the north and south were passionately in love with the union.

How could those people who fought together for their independence, for the establishment and maintenance of the union, kindred as they were, and endeared to each other, how could they bring themselves to split from each other; and in cases that might occur, how could the people of Ohio fold their arms and stand on the northern bank of the Ohio river as a boundary between the two divisions of the union, and do nothing to save the people of Kentucky from their doom? It was impossible. God never intended that this separation should take place; and all the fury, madness, and, he might say, crime, in any portion of the union, could not so far get the better of the feelings of this people as to allow this state of things to come to pass, and he would not, and a northern man before him said it should not be. He thanked him for the sentiment. He wanted to say to abolitionists on this floor that the doctrine of their creed, so far as he understood them, was this, that nothing would satisfy them short of emancipating their slaves and placing them then on an equality with themselves in regard to religious and moral rights. He would appeal to the gentleman, (Mr. Giddings), before him if this was not their doctrine.

Mr. Giddings said it gave him great pleasure to respond to the feelings which the honorable member before him expressed, and that those feelings had uttered he responded from his inmost heart. He would also say that he was an abolitionist to the full extent in which he understood that term. That he had conversed with hundreds, and perhaps he might say thousands, but he had never heard one intimate any intention or wish to interfere politically with the rights of slavery. Southern men or of any other sort. They claim no such right; nor do they ask any such privilege. Gentlemen may consider him speaking *ex cathedra* if they choose. He would then say that all imputations and charges of their desire to do so, were, so far as he was informed, unfounded. On the contrary, he wished to see that no such interference and taxation for the support of slavery. They ask that it should not interfere with them. Let us cease to appropriate the money of the free states for the support of slavery. Let congress cease to involve the free states in the disgrace or support of that institution, and they will be satisfied as to political action.

Mr. Underwood was happy to hear the gentleman say that Kentucky should not suffer under any emergency, and that he (Mr. G.) would stand by her as long as Mr. U. would stand by Ohio. There was one little qualification in the concluding sentence of the gentleman from Ohio which he did not wish to explain; that he wanted to be exempt from taxation and to be delivered from all connexion with the institution of slavery. The time might come—he hoped never to see it—when his northern brethren would have to be taxed a little in pursuance of the constitution, and only tax him, he thought, a little too; and if it is to be delivered from this march and taxes. My friend (Mr. Giddings) says "no." I hope he may have an opportunity to explain.

[Cries of "no," and "now!"]

Mr. J. Campbell objected, and Mr. Giddings was not allowed to explain.

Mr. Underwood said he would then go on and bring his remarks to a close. He repeated again that as the gentleman (Mr. Giddings) had said to him that he had no intention to refuse to discuss, and to march when necessary—having said that, when his future explanation came, there might be nothing so offensive in his course as this term carried the idea of—He (Mr. U.) was one of those who had never been governed by names; things, deeds, actions were all. If the gentleman would stand by him in action, that was all he wanted.

But he had risen to remark to that class, if there were any such here, whose intention it was to put the negro on the same political level with the white man—to tell the abolitionist, whoever he might be, you are attempting an utter impossibility; that never, as long as this world stood, did they intend to consent to any such thing. If they depicted this, they were attempting an impossibility. It was a death struggle for them south.

They (the north) had the power, and he wanted them to show their hand, so that he could understand them, and to show his constituents what they intended.

The constitution of the country had defined treason, that it should consist only in levying war against the United States or adhering to enemies thereof and giving them aid and countenance. What was the reason that it was put into the constitution itself? To get clear of this undefined definition, that looseness of construction which prevailed in the old country, and by which many men innocently were sent to the gallows. He wanted to see a more glorious constitution in giving the definition of treason. It was to consist in overt acts, and these to be proved by two witnesses.

He would attempt to show that this proceeding against the gentleman from Massachusetts was to punish him for an imputed motive, and when he had done that, he could conclude his remarks. He admitted that this was not treason; it was not treason, but a mere invitation to treason.

What had the gentleman from Massachusetts been guilty of? Had he invited them according to the petition to be guilty of treason? How did this turpitude attach to the gentleman? Had he sanctioned the institution of slavery? Had he admitted his motive was really agitation and mischief? He would tell, unless gifted with the spirit of omniscience to delve into the inmost recesses of his soul and discover what motive actuated him. How could they tell that he was influenced by base, improper, and treasonable motives? He would attempt to decide if they were arranged to themselves, and to each other.

He would close with a remark as to the consequence of this proceeding, if it was carried out. The people of this country, in framing this glorious constitution, had exempted them from being brought in question elsewhere than on this floor for any thing they might say here. Their object was to secure the most unbounded liberty of speech and action; but they had imposed on them a limit. They were to be brought before congress pass rules, and for a breach of those rules they might expel a member by the consent of two-thirds. But this was far violating the rules, and not for the mode of action which a man might conscientiously take here.

What was their action? Was it to get at the gentleman from Massachusetts for violating the rules of order? He simply rose in his place and presented a petition. Was it a disorderly proceeding, within the meaning of the constitution? No. What, then, were they attempting? It was to punish the gentleman under the declaration he had made, for the manner in which he had received his hand, and in duty bound, to represent a portion of the people of Massachusetts—erroneously as he (Mr. U.) thought. But could they punish him for that *non-act*? And suppose that they did it; they had already excited a considerable spirit of hostility by the 21st rule, judging from the petitions sent here. Now, in addition to that, if they inflicted punishment upon this man, who would go home and tell his constituents that he had incurred the liberty of petition co-extensive with that of speech, and he had thrown in every thing that had been forwarded to him, for which he had received this treatment at their hands, what would they say? If he, their representative, was compelled to associate with such men, they would cut loose the bonds of the union." He told them to be aware how they put into the power of the gentleman from Massachusetts to go home and tell his constituents that he was a martyr to the right of petition. He said to his southern brethren, beware how you do it, and remind him that no good could come out of it, and from the bottom of his soul he believed great harm would result. He, therefore, appealed to them to abstain from it.

The debate was further continued by Mr. Arnold and others. The house, at seven o'clock, adjourned.

CHRONICLE.

BANK TOPICS.—The Gerard bank at Philadelphia having failed two weeks since, the solvency of the bank of Pennsylvania became suspected and a run was made upon it last week, which resulted in an injunction by governor Porter. Their branch at Harrisburg was also closed. The Philadelphia Chronicle says: "Governor Porter, who had visited the city for the express purpose of insuring the payment of the interest on the state debt, to-day, yesterday morning caused an injunction to be issued against the Pennsylvania bank, compelling it to close its doors and suspend all kind of business for the present. Mr. Job Mann, ex-state treasurer, made affidavit setting forth that about eight hundred thousand dollars of the government money was deposited with that institution, for the purpose of paying said interest."

This bank was the agent of the state, and had provided funds to the amount of \$800,000 for the payment of the interest due the state on the 1st inst. One-half of which they used in endeavoring to sustain the bank—and the interest remained unpaid.

The other banks of Philadelphia have adopted a kind of *safety fund* project, and are about to issue new notes upon that basis. Meantime a bill has passed the house of representatives at Harrisburg by a vote of 15 requiring the banks of the state to resume specie payments without delay, and it is said it will pass the senate also.

NEW JERSEY BANKS. Of 25 banks in the state, 15 already pay specie. The 10 suspended are connected in business with Philadelphia. The suspended banks had in Jan. 1841, a circulation of \$1,322,931, and specie \$201,332; in Jan. 1842, they have in circulation \$556,342, in specie \$265,573. The specie payments banks had in Jan. 1841 in circulation \$2,322,931, and in Jan. 1842 in circulation \$732,901, and in specie \$295,709. Aggregate capital of suspended banks is \$1,351,028, of specie banks is \$2,472,805.

NEW YORK BANKS. The bank commissioners of N. York on Jan. 26, made their annual report to the legislature of that state of the condition of the banks on the 1st of January instant. From the tables accompanying that report we extract (says the New York Commercial Advertiser) the following leading items:

Aggregate amount of loans and discounts, specie, circulation and deposits in all the chartered banks in the state being 90 in number:

Loans and discounts	\$49,611,251
Specie	4,785,232
Circulation	12,372,764
Deposits	11,620,365

Aggregate amount of loans and discounts, specie, circulation and deposits in 43 banks, under the general law, being all that have made returns to the commissioners:

Loans and discounts	\$7,306,925
Specie	636,170
Circulation	2,487,229
Deposits	2,803,328

Total of all the banks embraced in the report:

Loans and discounts	\$56,918,176
Specie	5,421,402
Circulation	14,859,993
Deposits	17,423,223

Aggregate amount of loans and discounts, specie, circulation and deposits in 25 chartered and free banks in the city of New York and Brooklyn:

Loans and discounts	\$32,183,026
Specie	4,305,095
Circulation	3,528,273
Deposits	12,478,464

Amount of funds on deposit in New York and Albany to the credit of the country banks: \$2,127,212.

It is believed that there has been a considerable reduction in the circulation since the 1st inst., and it is understood that there has been considerable increase in the amount of specie in the city of New York during the same period.

The aggregate amount of loans, discounts, specie, circulation and deposits of all the chartered banks in the state, is \$11,399,403; of the free banks under the general banking law, 43 in number the amount is \$12,958,712. The aggregate amount of the banks in the city of New York and Brooklyn, including as above 25 in number \$55,248,334, of which \$4,305,095 is specie. This report, however, only comes down to the 1st inst., and since that time there has been considerable increase in the amount of specie in that city. The amount of funds on deposit in Albany and New York to the credit of the country banks is \$2,427,512.

The State Bank of Illinois announces its readiness to join the banks of Ohio, Indiana, Illinois and Kentucky, in resumption, on the 1st of August next.

Ohio Banks. The official statement of the banks of Ohio gives the following results:

Circulation	\$1,566,511
Specie	1,018,611
Notes of banks	1,146,737
Deposits	8,879,675
Discounts	11,177,466

Michigan and her banks. It is stated in the northern press—that the trial of the suspension law by the legislature of Michigan has forced the Bank of Michigan to make an assignment of its effects.

New York. The reports of the canal and bank commissioners were presented on Jan. 37. The total amount of contracts on all the canals for work finished and unfinished, is \$20,125,575, on which they have been paid up to Jan. 1842, \$15,624,257, leaving a balance of \$5,502,621. Of this balance the work done is \$478,236, and the work yet to be done \$4,624,385. The total amount of all contracts for enlarging the Erie canal is \$13,769,550, of which was made by former commissioners, \$12,685,513, by the present, \$1,084,037. Of the whole sum, \$8,666,242 have been paid since Oct. 1839, and before that time only \$1,884,537, leaving a balance unpaid of \$3,198,769. The number of boats which have passed the lock near Schenectady during the past year was 30,320, being 3,333 more than any other year. The tolls during the last season where, as has been stated before, \$2,034,882.

GEN. BRISCOE G. BALDWIN, of Stamford, was on Friday elected judge of the court of appeals of Virginia, after fourteen ballottings. Gen. B. is now a delegate from Augusta.

BRITISH STEAM PACKETS. The Forth and Solway belonging to the West India line of 14 steamers started from Southampton, England, on the 17th and 18th inst. They are bound for and will call at several distinct islands and ports of our continent. Forty-nine distinct ports are designated as places to which mails may be directly forwarded, and landed by the steamers. There will be a steam packet twice a month from Havana to Halifax, calling and delivering letters at Savannah, Charleston and New York; and so on, and so on, with the Company's line from Boston to Halifax, and returning to Havana, will convey letters to all parts of the West Indies, South America, &c. The New Orleans papers of the 21st announce the arrival of the Forth at the Balize with 6 days earlier European news than had then been received at New York. The Solway has arrived at Barbadoes.

CROTON AGREEMENT. The great work by which copious supplies of pure, fresh water are to be poured into the city of New York, is expected to be finished by the 4th of July next. The expenditures on the aqueduct during the past year have been \$1,118,843 44. The total amount expended thus far is \$7,107,463 03. The sum yet required to complete the work to Murray bill is estimated at \$1,328,394 55.

The comptroller of the city advertises for a loan of \$900,000, for the purpose of introducing the Croton water by the 4th July next. The loan is payable in 10 or 15 years, at the option of the purchaser, and to bear an interest of 7 per cent.

DEATHS. In Philadelphia during the past week there were 11 deaths; of which 36 were under two years of age—11 died of consumption and 13 of small pox.

We regret to be obliged to announce the sudden death this morning, from an affection of the heart, of colonel Alexander S. Cummings, colonel of the 4th regiment of United States infantry.

Col. Cummings was one of the oldest officers of the service.

He entered the army in 1806, as an officer of dragoons, soon passed into the infantry, served with credit in the Mexican war and died enjoying the respect and affection of his brother soldiers.

ELECTION IN GEORGIA. The governor has issued his proclamation, declaring the election of Messrs. Cooper, Colquitt and Black. The following is the complete return, except the county of Glynn, in which no legal election was held:

Black	31,772	Dougherty	30,668
Colquitt	32,199	Gilmer	30,410
Cooper	32,425	Wright	30,336

The majority of Mr. Cooper over Judge Dougherty (the highest on each ticket) is 1,527 and Mr. Black, (the lowest on the ticket) 1,204 over Judge D.

FIRE ARMS. The average number of small fire arms manufactured at Harper's Ferry and Springfield annually, for the last ten years is—25,073 muskets, and 2,423 rifles and carbines.

HOGS. There were thirty-five thousand hogs killed and packed in Alton, Illinois, this season.

KINGSTON, JAMAICA, DATES to the 12th instant, have been closed by Chas. Clayton. His papers contain accounts of two or three fires, which did some damage. They also state that the house of assembly have pronounced European emigration to be a failure.

LETTERS. The Britannia brought 415,000 letters, the postage on which amounts to about \$7,000. The number of letters for New York was \$900, on which the postage amounted to \$2,700; Philadelphia, 1,489, on which \$500; Baltimore 600, postage \$175; Albany 273, postage \$65; Charleston 503, postage \$181; Mobile 320, postage \$125; New Orleans 560, postage \$194.

(Lat. Trav.)

MARYLAND SLAVEHOLDERS' CONVENTION. The proceedings of the recent slaveholders' convention, do not meet the approbation of the entire people of the state. A meeting opposed to the leading measures has been held in Queen Anne's county, and another is called for Kent county.

MISSISSIPPI. Gov. McNutt's term of office having expired on the 9th ult., (Sunday) the governor elect, W. M. Tucker, could not be inaugurated until Monday, the 10th ult., consequently general Jesse Spaight, president of the senate, became by the constitutional law, governor, ad interim, of the state of Mississippi.

MORTALITY IN BOSTON for 1841. The whole number of deaths in Boston during last year was nineteen hundred and nineteen—under one year of age there were 362, and under two years 532. Deaths by consumption 256.

POST OFFICE MOVEMENT. We learn from the Cincinnati Times, that the post master general has appointed Mr. Lyttleton Quinton, P. O. agent for that city. His duties are to board all steamboats that may land or touch at that port, and receive from the officers the letters directed to citizens of Cincinnati. These letters will then be placed in the Cincinnati office, and charged with the usual postage. It is also made the duty of the agent to report to the department any steamboat that may refuse to comply with this demand.

SALVAGES. The Comptroller of the New York Customs has exhibited and caused to be published, the wages decreed at Key West for the last eleven years, viz: 1831, \$39,487; 1832, \$46,535; 1833, \$39,124; 1834, \$32,012; 1835, \$87,497; 1836, \$174,132; 1837, \$107,495; 1838, \$31,573; 1839, \$90,797; 1840, \$85,113; 1841, \$56,973. The amount awarded by arbitrators was \$15,906. The above amounts are not entirely correct in kind, as salvages are sometimes given in kind.

THE TARIFF OF SWEDEN. The New York American says, commercial letters, received by the Britannia, state that a change would be made in the tariff of Sweden on the 1st of January, whereby cotton would therefor be exempt from duty.

SLAVE TRADE. *Captain*, Oct. 27. H. M. S. Fantome returned to Simon's bay 24th ult. after a 16 months' cruise on the coast of Angola, for the suppression of the slave trade, having had the Frisk and Waterwich under her orders; during which period they have captured 33 slave vessels and liberated 3,427 negroes; viz:

Fantome	16 vessels	1,310 negroes
Frisk	10 do.	1,166 do.
Waterwich	7 do.	951 do.

TENNESSEE. The house has passed a bill compelling the banks to resume specie payments on the 1st July next, under penalty of a forfeiture of their charters.

TEXAS. Accounts to the 13th inst. state that the Texan captives had arrived at Mexico and were to undergo a trial and meanwhile were treated with all humanity. Two Mexican steamers were expected at Vera Cruz from Liverpool to operate against Texas. Rumors of preparations were afloat of another invasion from Mexico. Difficulties with France were expected to be accomplished. Two French sloops, and one schooner were cruising off the coast. The reunion of Yucatan to Mexico is confirmed. Gen. Hamilton arrived at the Balize on the 20th Jan. in the British royal mail steamer Forth. He informs the editor of the Bee, that the dispositions of the new British ministry, are equally favorable with that of Lord Melbourne's cabinet towards the republic of Texas, and that the evening before he left London, he signed, with Lord Aberdeen, the minister of foreign affairs, a protocol strongly indicative of these friendly feelings. He is hastening to Texas with the least possible delay, to obtain the confirmation by its government, of some important international and financial measures he has arranged in Europe.

VALUE OF PROPERTY IN NEW YORK. The assessed amount of property in the state of New York for 1841, is as follows:

Real estate,	\$531,987,886
Personal,	123,311,641

Total,	\$655,299,520
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Aggregate tax levied in 1841, for town and county expenses,	3,173,356
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In 1839, the assessed value of real estate was	519,058,782
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Personal,	131,602,988
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Total,	650,661,770
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In 1836—Real estate,	539,756,874
Personal,	129,739,486
Total,	\$669,496,360

NILES' NATIONAL REGISTER.

FIFTH SERIES.—No. 24.—Vol. XI.]

BALTIMORE, FEBRUARY 12, 1842.

[Vol. LXI.—WHOLE No. 1,585.

THE PAST—THE PRESENT—FOR THE FUTURE.

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FOREIGN ARTICLES.
TRADE AND COMMERCE.—Cotton crop; trade at Cleveland; address of J. Dodge to the tobacco planters.
CONGRESS.
CONGRESS.

CONGRESS. The debate in the house of representatives on the question of privilege in the case of Mr. Adams has been disposed of. On Monday the 7th the whole subject was laid on the table by a vote of ayes 106, nays 93. The reception of the petition itself was then refused by nays 166, to ayes 40. On Tuesday Mr. Cushing moved to reconsider the last vote, which motion lies over. On Wednesday the 9th, Messrs. Gilmer, Ellis, Hunter and Proffit and also Mr. H. C. Johnson asked to be excused from serving on the committee of foreign relations and were excused. On Thursday the 10th, Messrs. M. J. Cooper, E. D. White, Chapman, Sheppard and J. E. Holmes were substituted in their places.

So the committee, as now organized, consists of the following members:

Mr. John Q. Adams, of Massachusetts; Mr. Caleb Cushing, of Massachusetts; Mr. H. Everett, of Vermont; Mr. Francis Granger, of New York; Mr. E. D. White, of Louisiana; Mr. J. H. Sheppard, of North Carolina; Mr. Isaac J. Holmes, of South Carolina; Mr. R. Chapman, of Alabama; and Mr. M. J. Cooper, of Georgia.

UNITED STATES SENATOR. WM. SPRAGUE (whig) has been elected senator to congress from the state of Rhode Island, in the place of Mr. Dixon, recently deceased. On the third and last balloting, the votes stood, SPRAGUE 44, ARNOLD (opp.) 24, POTTER 9, scattering 3.

FOREIGN ARTICLES.

MEXICO.

The N. O. Bee of Feb. 1 says:—“We yesterday had an interview with a gentleman, just from the city of Mexico, who informs us that ninety of the Texan captives had reached that place some days before his departure. They were brought in in a most wretched condition, having been marched bare-footed and almost naked from the place of their capture. Amongst the prisoners was the son of Gen. Leslie Cooombs. The charity of the foreigners in the city furnished them some necessary apparel.”

So far from receiving humane treatment from Santa Anna, as reported, they were chained in pairs, and were compelled to *work in the streets* as common felons. Our informant assures us that the resident ministers of foreign countries had interfered in an improper manner to arrest this disgraceful and barbarous treatment without success. Young Cooombs was extremely ill; his constitution had proved too frail to endure the cruelties to which he had been subjected.

The accounts of the treachery resorted to to capture the expedition are confirmed. Mr. Kendall had not reached Mexico, when he was expected daily, in company with about 200 Texans.

Mr. Ellis, our minister at Mexico, had demanded young Cooombs as a citizen of the United States; but that a week had elapsed without his receiving any response from the government.

We have read a number of private letters that speak of the sufferings of the captives as most appalling. There has been no clemency shown to the citizens of the United States. The general belief in the city was that nothing short of force would ameliorate the condition of the prisoners, and that all would be treated alike.

The Bee suggests a meeting of the citizens of New Orleans, and legislative action on the part of the state, to stimulate the general government to protect its citizens. The same paper of the 2d inst says:

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From an official document we have been favored with the perusal of, we give some further particulars of the capture of the Santa Fe Expedition. After encountering innumerable hardships and privations, the expedition reached Palo Duro, a tributary of the Red river, on the 29th of August. At this time there were only five days rations of beef alone in the camp, the other provisions having been exhausted. The country beyond seemed to be impassable for wagons. Indians in large parties were hovering around the camp. Under these circumstances it was agreed that Col. Cooke and Mr. Brenham, two of the commissioners, should go in advance, with a third of the military escort, to procure supplies and a guide for the expedition—the Mexican guide having deserted them a few days before, in company with an Indian named Brignoli. On the 31st of August this division left the camp; the military escort was under the command of captain Sutton. It consisted of 75 men, which together with the traders and guests accompanying it, amounted to 97 souls.

The division marched forward to the Moro, another branch of Red river, without meeting a human being, or seeing any signs of a settlement. At the Moro they fell in with a party of Mexican traders, who informed them that they were within eighty miles of San Miguel. After despatching two messengers to General McLeod, who was in command of the remaining forces, to deliver the baggage wagons and follow on with all possible haste, the advanced party pursued their journey, and reached a Ranch called Las Galenas, on the 13th of September.

The next day Mr. Vanness, the secretary of the commissioners, was sent on to San Miguel, accompanied by major Howard, captain Lewis, a Mr. Fitzgerald, and George W. Kendall. On the 15th the division arrived at a Ranch on the Pecos, twenty miles distant from San Miguel. Shortly after they reached this place, they were waited upon by a Mexican officer, who with seventy armed men had occupied a Ranch on the opposite side of the river. He informed them that the governor was approaching with a large force, and that he had been despatched to ascertain their purpose, intercept their march, and require them to lay down their arms. The commissioners assured him of the pacific intentions of the expedition, but refused to surrender their arms.—They consented, however, to remain where they were, until intelligence was received from Mr. Vanness.

On the 16th another interview was had with the officer, who was informed that unless some intelligence was received from Mr. Vanness, the division would proceed to San Miguel the next morning. The officer said that he would send a courier to have Mr. Vanness brought to the camp, and that next day he would cross the river with his men, and camp in the neighborhood of the Texans, as an evidence that he was friendly disposed towards them.

Up to this period the Texans had treated every Mexican whom they met with every civility, paying what was procured for the expedition, at double prices.

On the 17th the same officer called upon the commissioner accompanied by an express, who requested them to remain where they were until the arrival of the governor who would arrive within the day with several thousand men. At one o'clock the officer commenced crossing the river with his men, about half a mile below the Texian camp. The command consisting of three hundred men, took up position in the front and left flank of the Texans. About an hour afterwards another body of Mexicans crossed the river above and formed a junction with the first force. There was then no doubt of the purposes of the Texans. The Texans occupied a strong position, where they could have defended themselves from a thousand men; and an engagement would have occurred in ten minutes, had not the arrival of Capt. Lewis with Don Manuel Chavis, kinsman and confidential agent of Governor Armitage prevented it.

Mr. Chavis demanded the surrender of the Texans, in the name of the governor and by his authority on the terms:

“That the Texans should immediately give up their arms and remain where they were as prisoners on parole, until such time as supplies could be obtained sufficient for the subsistence of the troops in returning to Texas.

“The arms and private property should be properly labelled with the names of the owners, and returned to them upon their arrival on the frontier.”

These terms were offered with the most solemn assurance of their being fulfilled. Capt. Lewis then informed the Texans that the party accompanying Mr. Vanness were all captured by Rancheros and were tied and would have been shot, but for some explanations made by him. They were then taken to the governor, who had sent all of them but himself to Santa Fe. He magnified the military force and discipline of the Mexicans, and assured the Texans that unless they immediately surrendered, they would be surrounded by a well armed and disciplined force of 4,000 men. These representations, so far as the military preparations of the country were concerned, proved to be false; and the document observes that Capt. Lewis obtained his liberty and the privilege of importing goods duty free into New Mexico, as a reward for his treachery.

Under these circumstances, with an enemy of more than five times the number of Texans before them, and an immense force expected to arrive hourly when no aid could be anticipated from the main body; without provisions, and their horses worn down, and with special instructions from the Texian government to avoid hostilities if the people of the country were opposed to them, the division surrendered.

All the conditions of the surrender were of course violated by their treacherous enemies. It was after a deliberation of many hours that their lives were even spared. On the 19th, they were hurried off on their journey to Mexico. Capt. Lewis, accompanied the governor in search of the rest of the Texans, and it was supposed used the same artifices to get them to surrender.

The Texans now in chains in the city of Mexico, are those who composed the escort of Cooke and Brenham. The main body under McLeod, had not reached that city at the last dates.

Since writing the above, a letter has been received from G. W. Kendall, dated Chihuahua, 22d November, in which he speaks of himself as being in good health and spirits, and expects to be in the city of Mexico on the 1st of February. He states further, that his treatment had been rather humane than otherwise. It is more than probable that this letter was written in the expectation of its being intercepted by the Mexican authorities. Mr. K. is in company with the party of 200 Texans, under the command of Gen. McLeod. We infer from it that Mr. K. was sent from San Miguel to Santa Fe as stated by Captain Lewis.

TRADE AND COMMERCE.

COTTON CROP OF THE UNITED STATES. *Statement of total amount of the growth, export, consumption, etc. of cotton, for the year ending 30th September, 1841.*

NEW ORLEANS.

	Bales.
Export—To foreign ports,	656,816
Coastwise,	161,448
Burnt and damaged,	2,900
Stock on hand, 1st October, 1841,	31,576
Total,	851,840
Deduct—Stock on hand, 1st October, 1840,	27,911
Received from Mobile,	5,418
do. do. Florida,	508
do. do. Texas,	4,408
Total,	38,245
Total 1841,	813,595
Total 1840,	[946,965]

MISSISSIPPI.

Export from Natchez, &c.—
Coastwise, (Remander included in New Orleans), 1841, 1845; 1840, 6,767

ALABAMA.

Export from Mobile— To foreign ports, Coastwise, Burnt and lost, Stock in Mobile, 1st October, 1841,	216,239 103,337 1,170 1,931
Total,	323,077

Growth of cotton in the United States, in each year from 1824 to 1841.									
		Bales.			Bales.				
Crop of 1824-5		569,000	Crop of 1833-4		1,205,334				
"	1825-6	710,000	"	1834-5	1,254,328				
"	1826-7	937,000	"	1835-6	1,360,795				
"	1827-8	712,000	"	1836-7	1,422,930				
"	1828-9	857,744	"	1837-8	1,691,497				
"	1829-30	976,473	"	1838-9	1,360,533				
"	1830-1	1,076,284	"	1839-40	2,117,835				
"	1831-2	987,477	"	1840-1	1,634,945				
"	1832-3	1,070,438							
Exports to foreign ports, from 1st October, 1840, to 31st October, 1841.									
September, 1841.									
Decrease in 1841,	Total	To Great Britain.	To France.	To N. America.	To N. of Europe.	To N. of Africa.	To N. of Asia.	To N. of Australia.	To N. of Oceania.
388,049	1,634,945	427,472	182,310	10,001	38,643	636,815	1,396,091	1,396,091	1,396,091
98,689	46,653	29,036	50,759	58,442	58,442	58,442	58,442	58,442	58,442
Consumption. Total crop of the United States for 1841, as before stated, 1,634,945 bales.									
Add—Stocks on hand at the commencement of the year, (1st Oct. 1841)—In the southern ports 40,942									
Do. In the northern ports 17,500									
Making a supply of 1,693,387									
Deduct therefrom—									
The export to foreign ports 1,313,277									
Less Texas and other foreign 5,900									
Stock on hand at the close of the year, (1st Oct. 1841)—In the southern ports 44,018									
Do. In the northern ports 38,050									
Burnt and lost at N. Orleans 2,000									
" " Mobile 1,170									
" " Apalachicola 1,400									
" " Savannah 600									
" " Charleston 750									
" " New York 734									
Quantity consumed by and in the hands of manufacturers. 1,396,091									

*1,108,000 feet from Canada.
†12,383 barrels shipped by steamboats.

* Included in exports from New Orleans.

by weight, is from the official report of D. H. Beardsley, esq. the collector at Cleveland. There arrived at Cleveland, by way of the canal, during the year 1841, 275,556,683 pounds. The following constitute the chief articles that arrived:

Wheat, 1,569,976 bushels; corn, 244,749 do. cists, 32,851 do. mineral coal, 479,411 do. flour, 414,848 barrels; pork, 29,886 do.; whiskey, 12,345 do.; butter, 1,464,935 pounds; cheese, 58,148 do. lard, 961,421 do.; bacon, 1,878,530 do.; pig iron, 988,160 do.; merchandise, 677,245 do. iron and nails, 3,442,430 do. tobacco, 912 hogheads; staves and heading, 968,904 pieces wood, 1,879 cords.

Of property on which tolls is charged by weight, there were cleared from Cleveland, by way of the canal, during 1841, 44,017,480 pounds.

TO THE TOBACCO PLANTERS OF THE UNITED STATES.

Gentlemen: Having been again appointed by the president of the United States, at the express and unanimous desire of the select committee of the house on the tobacco trade, and of the general convention of tobacco planters held last May in Washington, as a special agent to attend to the interests of the tobacco trade of the United States with Europe, I embarked on the 13th ultimo from New York, to proceed via England, to my destination in Germany.

Permit me, gentlemen, to express my grateful and sincere thanks for the repeated marks of confidence with which the tobacco interest has honored me, and to again assure you, gentlemen, that my devoted, my utmost exertions shall be continued, in order to bring your cause to a successful issue in Europe. I was in hopes that this address would have reached the United States in time to have been distributed among you at the general tobacco convention to be held next month in Washington, but my long passage to England has rendered it impossible. But, believing that the following remarks, which I take the liberty of addressing to your series of consideration, may, although too late for the general tobacco convention, still be useful to you, I have prepared, and shall forward them to the hon. Mr. JEXIER, chairman of the select committee on the tobacco trade.

The following will show the actual consumption of our tobacco in Europe, and the estimated amount of revenue derived by each government from the same:

	Hogheads.	Revenue.
Russia	358	\$64,000
Holland	3,300	5,200
Belgium	4,000	12,000
France	18,000	17,275,000
Spain	10,000	5,500,000
Portugal	363	540,000
Italy, say Sardinia	1,200	
Parma	130	
Tuscany	125	2,000,000
Roman States	300	
Naples	400	
Austria and its dominions	4,000	3,400,000
Germany, (not including Austria)	38,000	1,300,000
Sweden and Norway	1,500	70,000
Denmark	1,800	5,630
	86,396	\$35,071,820

The annual average exportations of our tobacco from the United States from 1st October, 1835, to 30th September, 1838, according to the statistical statement which had the honor of presenting to the hon. Mr. JEXIER, under date of April 27, 1840, was 103,422 hogheads, costing in the United States \$7,748,772; of which 97,651, costing \$7,267,794, were exported to Europe. The difference between the 97,651 hogheads and the quantity mentioned above as consumed, say 86,396 hogheads, (after deducting the small quantity consumed in Gibraltar and Malta, free ports), has unquestionably been smuggled from those countries of Europe where a low duty is charged into those countries where a different policy is pursued, say into England, France, Spain, Portugal and Italy; and there is also no doubt but that a large proportion of that which I have mentioned as consumed in Germany is smuggled into the great German union of customs, and also into Austria, from the other states where the duty is low. However, one thing is certain, that on 86,396 hogheads of American tobacco, costing in the U. States \$6,450,820, and legally introduced into Europe, a revenue is derived of about \$35,000,000, being nearly six times more than its original cost.

To bring this question home to each individual planter, the following will show to what extent each one, according to the quantity he grows for exportation, contributes to the revenue of Europe.

Supposing, in the round numbers, our exportations to Europe to be 100,000 hogheads, and the revenue derived therefrom to be \$35,000,000—

An American who raises	5 hlds.	contributes	\$1,750
"	"	10 "	" 3,500
"	"	25 "	" 8,750
"	"	50 "	" 17,500
"	"	75 "	" 26,250

Now, can it be supposed by any reasonable man that you will any longer submit to such a state of things? The legislation of, and the duties levied, and monopolies existing in Europe on our tobacco, appear to have the double object of obtaining an immense revenue from the smallest possible quantity of material, and consequently deeply injurious to the prosperity of our agricultural interests, by preventing a greater quantity from being cultivated. These high rates of duties and monopolies in Europe cripple your industry, preventing you from usefully and profitably extending the cultivation of your lands, which a more liberal hand, with a more liberal hand, provided for you.

The following will show what would be the probable consumption of American tobacco in Europe if those high duties and monopolies were abolished:

Taking the population of the U. States at 17,000,000, and its consumption at 75,000 hogheads, (which, I believe is far below the quantity), as the criterion of what the consumption would be in Europe, and considering its population (not including European Turkey) at 320,000,000 this would make the *Hhds.* consumption of tobacco in Europe, say 970,588

From which the following should be deducted:

The quantity grown in Europe, estimated from correct sources, as follows:	
Russia	Bs. 21,000,000
Denmark	225,000
Holland	5,800,000
Belgium	1,140,000
France	26,000,000
Germany, not including Austria	40,000,000
Spain and its dominions	35,000,000
Island of Sardinia	375,000
Roman States	1,215,000
Naples	1,125,000
Switzerland	297,000
Wallachia	1,350,000
Poland	3,150,000
	136,650,000

Which, at 1,200 pounds per hoghead, would be *hlds.* 113,900

2. I estimate the growth of Cuba at	lbs. 18,760,000
Porto Rico at	3,700,000
South America at	3,000,000
	lbs. 17,460,000
Equal, at 1,200 lbs. per hld. to 14,553 hlds. of which the greater proportion is probably sent to Europe, say	hlds. 12,000
	125,900

Making the possible consumption of American tobacco in Europe 844,088

But, taking into consideration the want of means among the population of many of the countries of Europe to purchase our tobacco, I will suppose that the probable consumption of American tobacco in Europe would be only about one-half of the above mentioned quantity, say 422,344 hlds.; this would be more than four times our actual exportations to the various countries of Europe, and we require at least 251,250 tons of extra shipping to export it to market, and would increase the pecuniary means of our country more than twenty millions of dollars annually, adding an increased value to the state and other stocks of our country in foreign markets, and greatly augmenting the revenues of our government by affording us the means of greater exportations, and consequently a low tariff, if the revenue should be found to be more than sufficient for the economical wants of our government.

The annual average importations into the United States from the various countries of Europe, from 1st October, 1835, to 30th September, 1838, amounting to \$97,251,320, of which \$4,853,877, equal to 44 per cent. on the total average importations, were admitted free of duty; and, as the average exportations of our domestic produce of all kinds to the same countries of Europe, during the same period amounted to \$79,201,860, it will be seen that we have admitted, free of duty from Europe, an amount of our domestic produce to one-half of the exports of our domestic produce to the same countries.

The average amount imported into the U. States from Europe, during the above mentioned period, which was subject to duty, was \$54,337,477; and as the total average amount of revenue obtained by the American government, for the two years ending 31st December, 1838, by the importations from all parts of the world, was \$16,866,017, it may safely be esti-

mated that, as a large proportion of the articles coming from Europe were admitted free of duty, the revenue which the United States has derived from the importations from Europe has not exceeded ten millions of dollars annually; so that if this revenue should be equalized on the total average importations from Europe, say \$97,251,324, it would only amount to a duty of about 10 per cent. while Europe is obtaining a revenue of at least thirty-five millions of dollars from 86,396 hlds. of our tobacco, costing, in the United States, \$6,450,820.

Fellow citizens: Is this the reciprocity, is this the even-handed justice, we have a right to look for, and to expect from foreign countries, whose industry, whose prosperity, and, it may also be said, whose tranquility, depend upon our great and annually increasing markets for the sale of their produce? Let me, therefore, respectfully recommend to you to be firm in your determination, and united in your efforts, to obtain justice, and you will certainly succeed in every country of Europe in obtaining a diminution of the high duties, and the abolishing of the shameful monopolies which exist on your industry. I have, gentlemen, the honor to remain, with sentiments of the highest consideration and respect, your most obedient servant, JOSIAH DODGE.

London, November 16, 1840.

TWENTY-SEVENTH CONGRESS, SECOND SESSION.

SENATE.

FEBRUARY 1. The members of the senate attended the funeral of the hon. Mr. F. Dixon late senator from Rhode Island.

FEBRUARY 2. Petitions in favor of the bankrupt law continued to be presented.

Mr. White presented a joint resolution of the legislature of Indiana praying an appropriation for the improvement of the harbor of St. Joseph in Michigan. Mr. W. expressed his views of its importance and gave reasons why congress should make appropriations.

Mr. Preston denied the constitutionality of making appropriations for harbors; he was opposed to any such tariff of protection as would regulate the industry of the country. He was in favor of a firm system of taxation adequate to the appropriations of congress and if in doing this any branch of industry were incidentally benefited he should not be opposed to it.

Mr. Clay said that the general government had made appropriations for the harbor of Charleston in South Carolina which had been asked for. What are the lakes but great inland seas. Is their commerce not to be looked after? The let alone policy contended for by the senator of South Carolina would carry us back to the old confederation, and fear we are going back to that old point of our history. Congress had the power to make harbors as well as light houses when the safety of navigation required it.

Mr. Preston thought congress could as well build Gadsby's hotel because there were lamp posts, as to erect harbors because they could build light houses. The powers of congress must stop at the high water indicated by the constitution.

Mr. Graham said that at the proper time he would endeavor to show that it was the duty of the general government to reopen the old channel of Albemarle sound.

The memorial was referred to the committee on commerce.

The senate then proceeded to the order of the day, being the resolution submitted by Mr. Clay restricting and limiting the veto power and Mr. Buchanan addressed the senate, and believed the veto power to be one of the strongest and staunchest in the constitution and if removed from it might lead to the destruction of the constitution. He took up and referred to the address of some of the whig members of congress adopted in September last, which expressed an anxiety to establish a navy yard, and depot or naval station on the Gulf of Mexico.

Mr. Prentiss presented a petition for appropriation for a harbor at Milwaukee in Wisconsin.

FEBRUARY 3. The president of the senate presented a report, in compliance with the resolution of July 21, 1841, from the secretary of the navy, on the necessity and expediency of establishing a navy yard, and depot or naval station on the Gulf of Mexico.

Mr. Prentiss presented a petition for appropriation for a harbor at Milwaukee in Wisconsin.

Mr. Calhoun arose to move the reconsideration of the report of the committee of the Senate presented a few days since. He thought it the most important subject of difference with England and believed that a vessel should have been despatched at once after its occurrence in order to obtain redress. He thought that were the facts properly represented to the British government they would not fail to do justice, and government that they were not to us. He had seen with pleasure that a special minister was to come to adjust our differences. Before he came, he hoped the committee on foreign relations would present this subject in its true light before the country and the world.

Mr. Preston regretted the absence of the chairman of the committee on foreign relations who had been deferred for several days, and assured the senate in his absence, that the committee would give the due consideration which the importance of the subject demanded.

The report was then referred to the committee on foreign relations.

Mr. Simmons asked the other day for liberty to employ a clerk to the committee on manufactures, and now renewed the motion.

Mr. King was opposed to it, because the practice of committees employing clerks was a new one, having sprung up the last few years, and ought to be abandoned.

Mr. Calhoun expressed his opposition and also stated that the price for revenue laws was the foreign invoice price and the expense of importation. He warned senators that the appointment of a clerk would be the prelude to a tariff.

Mr. Clay said that they had had at the south free trade upon more than a moiety of the imports of the world, and what was the consequence? Its great staple was selling at a price lower than ever before since the war. He would sooner lay duties to the extent of 100 per cent. than impose direct taxes for this government. There were often frauds in the foreign invoices and therefore foreign valuation with expense of importation was not the proper basis for laying duties. It was perfectly practicable to make a more valuation upon prices at home, from New Orleans to Boston.

Mr. Calhoun contended that prices would vary at home at different places and duties would vary. Cotton was low in consequence of the embarrassments in England and not of the free trade. South Carolina was infinitely better off than under the tariff of '28; negroes and labor were less in price, our foreign trade and domestic trade had increased with the free trade; this trade moreover was only partially free; its course was onward and could not be stayed. Mr. C. was glad the senator from Kentucky had denounced the extravagance of the government estimates and hoped he would aid in bringing down their expenditures.

Mr. Clay said that in regard to government expenditures he had prepared a resolution to present at the first favorable opportunity.

Mr. Simmons contended that the frauds of foreign invoices had driven American merchants from the market. We had no control over those who committed them. When the committee reported that it had been seen that 20 per cent. was actually levied, we would afford a better protection than such as we have had for the two years past.

Mr. Linn would vote for a clerk, and thought the committee on manufactures should never have been appointed but that all these matters should have belonged to the committee on agriculture.

Mr. Mangum, in reference to the subject of economy, remarked that if no other senator would do so he intended to bring in a bill to reduce the expenses of government, one-third, beginning with the per diem of the members of congress, but he feared he should meet with no encouragement save from a few whig friends.

On motion on the motion to appoint a clerk was then taken and decided 25 yeas to 14 nays.

The senate then adjourned.

FEBRUARY 4. Petitions and memorials were presented and referred relating to the bankrupt law, to fortifying Sackett's harbor, against annexation of Texas, &c.

On motion of Mr. Smith, of Indiana, Resolved, That the committee for the District of Columbia be instructed to inquire into the expediency of prohibiting, by penal enactments, the vending of lottery tickets in the District of Columbia.

On motion of Mr. Merrick, Resolved, That the president of the United States be requested to cause to be communicated to the senate, in his opinion, it be incompatible with the public interest, and the honor of the United States, that he has taken place between this government, or its diplomatic agents, and the government of Belgium, relative to the claims of our citizens to indemnities for losses sustained

during the bombardment of Antwerp, in the year 1835; and also copies of the most exact and full statement of the losses sustained by our citizens in Belgium, in consequence of the bombardment of Antwerp.

Mr. Benton submitted a resolution inquiring of the secretary of the navy information respecting the navy yard at Pensacola, and its comparative neglect with the other and more northern naval stations.

Mr. Benton said that, after the morning business was over, if it did not interfere with the speech of any senator he would call the senate to take up the bill to discontinue the operation of the bankrupt law. Before he did so, however, he would beg leave to introduce a resolution, bottomed on a protest which he had seen, and which he read.

Mr. Benton said that he had brought the consideration of the subject to the senate from no political or party feeling whatever. The state of things, which were pretty well stated on the face of the paper, were of the most deplorable and disgraceful character. They were the result of the first year of whig measures, of the repeal of the independent treasury bill, of throwing away the land revenue, of making forced loans. He was not going to have his pay reduced by these whig measures, and he would not consent less than to the consequence of the folly and extravagance of this administration. The currency of lamp black and rags was not a currency he would receive. Others might submit to it; he would not. The land revenue had been taken from the treasury, and that act and forced loans must be paid. The government must be paid. As the Whigs resisted the payment of ship money, so he would resist the payment of paper money.

Mr. B. referred to the gold bill, passed by its instrumentality in June, 1834. He wished to know if, from that time until the present, gold had ever been refused until now for the payment of members. By Mr. B. said he should go into all the matters named in the resolution which he would now offer.

Resolved, That the committee on finance be instructed to inquire into the nature of the payments now made or offered to be made by the federal government to its creditors, and what the same are made in hard money or in paper money; whether the creditors have their option; whether the government paper is at a discount; and what remedy, if any, is necessary to enable the government to keep its faith with the public creditors, and to save the credit of the government from violation, and the country from disgrace.

The resolution being read—

Mr. Mangum said that, after having been referred to by the senator from Missouri, he would say a word on the subject. After sleeping one night upon the proposition he had referred to, to curtail the expenses of the general government, the senator from Missouri, the file-leader of his party, came here to oppose this retrenchment. He feared, from such demonstrations, that his project would not meet with little encouragement. And what was the question before the senate? The senator from Missouri had protested the government of the United States, and for what reason? Because a draft of his to the amount of \$40 was not paid in specie, and was proposed to be paid in treasury notes, the very currency which kept the late administration in power for four years past.

Mr. M. said, further, he did not hold himself or his friends responsible for the acts of the president. In regard to the New York commission, which had been alluded to, it was the act of the president. The majority here were not responsible for it, and would have opposed it, no doubt, had the question been submitted to them.

On motion of the senate said the debate was not in order, no subject being properly before the senate in order.

The subject was then passed over for the present. Mr. Merrick submitted a resolution calling for information respecting American claims against Belgium. Adopted. And after the transaction of several little business, the senate adjourned till Monday.

FEBRUARY 7. Memorials were presented and referred in relation to the bankrupt law, interference of government to obtain the release of American prisoners in Van Diemen's land, protection for glass and iron manufactures, and the recommendation of the Congesta as a suitable site for a national foundry, &c.

Mr. Calhoun presented from the executive of S. Carolina, a report from the committee on federal relations of that state, in relation to the public lands, also a memorial from the same source in relation to the controversy between Virginia and New York.

Mr. C. thought it obvious that abolition was a subject that would lead to disunion. The whites and colored were about equally numerous in the south and could exist together only in the relation of master and slave. As a matter of safety the institution should be kept as it is. One or the other race must rule when they are together, and to attempt to change

it would be the expulsion of one or the other. There was now no safety in intercourse with the north. Virginia with exonerate judgment had led off in the protection of her rights in resorting to her police laws. South Carolina had resolved to stand by her. The south would stand by her in a body, and the intercourse with the north would become more and more restricted, until it absolutely ceased. He appealed to the gentlemen of the north, whether it was desirable that this state of things should exist. Mr. C. then alluded to the late abolition convention at Peterboro, New York and the address they had put before to excite the slaves to run away from their masters. No class had a greater amount of their earnings appropriated to their own benefit than the slaves. If persisted in, abolition movements would lead to the destruction of one third of the union and in the end to the union itself. Mr. C. moved the printing of the report and resolutions, which was ordered.

Mr. Clay's resolution, directing the committee on public lands to enquire into the expediency of providing by law, that any quota of the land sales, that may be refused by any state, shall be distributed among the assessed states, was taken up.

Mr. C. expressed his views on the subject of the resolution. If any state refused to receive its quota, its people might not acquiesce with their legislative action, their refusal might be but factions and afterwards reversed and therefore he was for no hasty disposition of its refused quota. But after a state persisted in refusing to receive its quota, it was a settled policy the rejection of its quota, it would prevent Congress to make other disposition thereof.

Mr. King said that if the senator regarded the land as belonging to the states, and any one of them should regard as a common fund and decline to receive it would be to appropriate it to those states, to whom it did not belong.

Mr. Clay compared the case to a father and his children. If one child refused to receive a portion of property dispensed to it, could the father not distribute it to the others. If Alabama or South Carolina refused to receive their portions, let it be given to others. What was to be gained by such examinations as called for resolutions? What was the question? It was one of distribution involving indirect taxation to the extent of supplying the treasury the means withdrawn from it by its operation, and proposing to carry on the government without relying upon the land fund which belonged to the states.

Mr. King said that the senator from Kentucky showed profound ignorance if he expected South Carolina could be bribed by this fund. Nineteen twentieths of the people were opposed to this bill. This distribution was a great question, and if a bold man were to desire a dissolution of the union he could meet with a stronger means to accomplish it. As a measure of revenue it made one third of the union pay the tax which was created by the withdrawal of the fund. He saw light ahead and in two years all the measures of the party which had made the law would be swept away.

Mr. Smith of Indiana stated that he would vote for the proposed inquiry as a matter of courtesy.

Mr. Allen said the true question was, shall the states tax themselves for their own purposes, or shall the taxing power of this general government be exerted to tax itself for their (the states') purposes.

Mr. Clay said that he had over and over declared that there was no power in the constitution to levy taxes for the purpose of distribution. The nearest approximation we had ever had to it, was made by the senator's friend, General Jackson, who recommended a distribution after taxes had been levied. The public land was the property of the states, and the whigs proposed only to give to the states, that which they could own. He had never been in South Carolina and did not profess to know much of its people. In regard to the question he neither knew nor, with respect he said it, cared whether the state would receive the money or not. Instead of leading to disunion, he thought the measure one of the strongest ever given to the union.

Mr. Frothingbury said that the title of the land was with the general government. It was a trust fund. A quota if refused would go into the treasury and be confiscated to the general purposes of the union. Its effect on the taxes was that the non-indebted states would have to submit to an indirect taxation for the general purposes of the union.

Mr. Ingham would not vote for the inquiry. If this land belonged to the states, where was the right to withhold it from them? Did the refusal of, say, Alabama, even if factions, make the money ours? The money should be in the treasury for the use of the government, before it should touch it. As to the distribution being a motive for severance of union, it was

a new doctrine, for it had heretofore been contended by its opponents that it was a *doctrine* to the states bringing them to the foot of the general government.

Mr. Calhoun did not regard the measure as possessing the seeds of disunion, but he regarded it as the maximum of all unconstitutional resolutions.

Mr. Benton said that one or more of the beneficiaries refused to receive the fund, and as the general government were its trustees, it became necessary to know what should be done with it. The resolution proposed no specific appropriation of it and he should vote for the inquiry.

Mr. Wright said a sovereign state had refused to receive this money, and it went to the treasury subject to any demands on the treasury. If the state hereafter calls for its money, it would be entitled to draw upon such means as should be in the treasury. The inquiry was unimportant unless to obtain information of the disposition of the land which the two states refused to receive. The reasons for not adopting the resolution had already been sufficiently stated by the gentleman from Virginia.

Mr. Clay said the proposition was whether we should leave the money in the treasury or appropriate it. The money did not belong to Alabama or to the United States. His resolution contemplated any disposition of it. There was no criminality, he admitted, in a state's refusal; but was there no offence in disobeying a law of the general government. Did the senator mean to countenance nullification in this sneaking and cowardly form of refusing to carry out a law of the United States? His resolution proposed no mode assumed by South Carolina, when she put her hand upon her sword to nullify the laws of the land.

Mr. Preston said that something must be done with the money refused, and the question was, what shall be done? He advocated that by supporting the resolution he countenanced that by supporting the appropriation to other states. He desired to see the land distribution bill repealed.

At five o'clock on motion of Mr. Mangum, the senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, JAN. 27—CONTINUED. Mr. Batts said he had listened with very great pleasure to the warm and patriotic remarks of the gentleman from Kentucky (Mr. Calhoun), and should have been perfectly content to have submitted the question to the house at this time, but that he differed so widely from the views of the majority of this house, as indicated by the votes taken, and so widely from a large majority of his colleagues upon this floor, and in consequence of this, he did not feel himself at liberty to have the question taken without submitting his views on this important subject; and, in doing this, he did not mean to be deemed pledged to defend the general course of the gentleman from Massachusetts.

The gentleman had said and done many things on this floor which did not appear to him to be in accordance with this mean; no disrespect to the gentleman from Massachusetts. To most lose all respect for himself before he could bring himself to wound the feelings of that venerable gentleman, and he meant no imputation on any other gentleman. He had given some evidence of these things. When the gentleman had said that he intended to defend himself from the charge of immaturity, he had voted to grant permission. When he thought the gentleman had trespassed on and abused the courtesy of the house, he withdrew that leave; and yet he was prepared to make very apologetic for his course. From what he had seen of that gentleman on this floor, he was inclined to believe that he expressed very many sentiments in the irritability of the weight of years that hung on him, which his own calm reflection would condemn. There was enough on this floor passing under his immediate observation to provoke the gentleman, and, if he might use the expression, to "devilish" him.

What was the question before the house? And what was the offence committed by the gentleman from Massachusetts? The gentleman had presented to this house a petition, not asking that congress should dissolve this union by an act of legislation, but that congress should devise measures by which the peaceful dissolution of the union should be effected. The gentleman from Massachusetts, standing here as one of the patriots of the land, after having been in the service of the country for half a century, with one foot standing—he would say, if the gentleman would pardon him—on the verge of the grave, asked the petition. It is not to be denied that he was, when he made that course, in common courtesy, he placed at the head, that he might have an opportunity of doing—what? Of appealing to his fellow citizens, and remonstrating with them against the horrors of a dissolution of the union. He had told them that this was a feeling not confined to the forty-six individuals who had signed that petition; that it is a growing and in-

creasing evil; and that the sentiment is widely spread throughout the commonwealth of which he is a representative. And he asked them to permit him, as a member of this house, to present a remonstrance, and appeal to these gentlemen against the folly of their course. (Mr. Adams bowed his head to the table in assent to Mr. B's suggestion as to his motives.) That was his (Mr. B's) understanding of the subject. And on that question the proposition was submitted: first, that the gentleman should be censured; and then, should deem it a mark of great civility, if they could, to permit that he was not expelled.

The question of the dissolution of the union did not sound for the first time on his ear, or upon the ear of the house. If he mistook not, some three or four years ago a member from S. Carolina, and a gentleman now a member of this body, prepared a resolution—whether he submitted it or not, or asked leave to present it, he was not within his recollection—but he knew that there was a letter published, which he believed the gentleman had afterwards avowed himself to be the author of, in which he said that he had had in his draw for some time a resolution asking congress for the appointment of a committee consisting of one member from each of the southern states to decide the measures of the dissolution of the union.

Mr. William Butler here requested the gentleman from Virginia to state what member from South Carolina he referred to.

Mr. Batts said he had referred to Mr. Rhett. Mr. Rhett said, explaining this (a laugh) he had brought the document containing the facts. He held in his hand a pamphlet from which he requested leave to read a single page. It was a pamphlet containing an address to his constituents, containing the resolutions alluded to, with a narration of the circumstances under which they were prepared. It was read; and they were written at his seat, but not added to the house, during a speech delivered by the gentleman from Vermont (Mr. Stedman), who was discussing the subject of slavery in Virginia. It was on that memorable occasion when the southern members left their seats and went down stairs to deliberate together on this wanton aggression of their compeers. He then read the following extracts:

Before entering upon the merits of the resolutions, however, permit me to remark, (what I suppose might be apparent to all, that I had no expectation of passing them, or of even taking a vote upon them. They were intended as amendments to resolutions intended to remove the bill abolishing slavery from the District of Columbia. I expected them to share the fate which inevitably awaited the original motion, so soon as the floor could have been obtained, viz. to be laid upon the table. My design in presenting them was, to place before congress and the people what, in my opinion, was the true issue upon the question of slavery; and to point out to the course of policy by which it should be met by the southern states. The resolutions are as follows:

"And the constitution of the United States having proved inadequate to protect the southern states in the peaceful enjoyment of their rights and property, it is expedient that the said constitution should be amended, or the union of the states be dissolved."

Resolved, That a committee of two members from each state in the union be appointed, to report upon the expediency and practicability of amending the constitution, or the best means of peaceably dissolving the union.

"If, then, fellow-citizens, the south is no longer in the peaceable enjoyment of its rights and peculiar institutions, under the constitution of the U. States, the question arises upon the second proposition in the resolution: Is it expedient that the constitution should be amended, or the union be dissolved?"

"Those, of course, who design using the union and the constitution for the purpose of prolonging the institution of slavery in the south, will recognise no distinction of slavery in the north, and will, therefore, be disposed to deny the constitution. [The extract then entered into an argument to demonstrate the necessity of amending the constitution so as to define the fact which is doubted at the north, that congress has no power whatever to legislate on the subject of slavery, and that the topic would thus be "out from its halls altogether."—denied thus.] "But I have no doubt altogether, that the constitution, if proposed in time, before the spirit of abolition has infected the public mind, will be adopted. They take nothing from the north, while they are necessary to the south."

Mr. Batts was very willing to hear from the gentleman his arguments. For it was enough for him to know that a member of the house had prepared and was ready to offer a resolution to effect a dissolution of the union. He did not understand him whether he asked leave to offer it.

[Mr. Rhett. I did not.]

[Mr. Batts. Yet the gentleman himself who had prepared a resolution, and was ready and waiting only

the opportunity to present it to the house, that the house should proceed to dissolve the union, that gentleman voted against laying on the table the proposition to censure or expel the gentleman from Massachusetts. It was not only the doctrine of the gentleman from South Carolina, but of his whole state, or a majority of that state. They held that they had a right to secede from the union.—If one state had a right to secede, thirteen had. The general principle was, that if one state had a right to secede, it was a piece of the moment one state is taken from the hoop. Gentlemen would excuse him for saying, with his knowledge of what had transpired in this house, that this had appeared to him a great farce from the beginning—a perfect storm in a teacup.—Talk about censuring the gentleman from Massachusetts to ensure or expel the gentleman from Massachusetts. They found a man standing at the head of the right arm of the defence of this nation—he meant the secretary of the navy—who, the last time he had had a conversation with him on the subject, was an open, avowed, undisguised, advocate of the immediate dissolution of the union.

Mr. Wise. I deny it.

Mr. Batts. What authority have you? Do you keep a record of the conversations of the secretary of the navy?

[Cries of "order," "order."]

Mr. Wise said he hoped his colleague would not fly into a flame. He did not mean to offend him; but to show that he was not a man of great authority, from conversation, from reading, or any other source, for saying that the present secretary of the navy ever went for the unqualified dissolution of the union. If he ever advanced this idea of dissolution, he (Mr. W.) undertook to say now in his place, and would do it, if he was wrong, that he ever avowed such a doctrine, it was not on a qualification, conditions, and reasons which the secretary could defend.

Mr. Batts said he had been induced, for some time, to regard his colleague as the keeper of the conscience of the king, but had not considered him the keeper of the consciences of all connected with the king. Nor did he recognise his right to say what was the opinion expressed by one of the secretaries of Mr. Tyler's cabinet. He (Mr. B.) asserted on his own responsibility that he had expressed such an idea. He had talked with him for hours, and when the secretary of the navy denied it, he (Mr. B.) would prove his statement. You said (Mr. B. addressing himself to Mr. Wise) have no right to deny it.

The speaker said the gentleman had no right to address a member on this floor.

Mr. Batts repeated that, when the secretary of the navy denied it, he would undertake to prove his statement. He challenged him to the proof. If it were to be any charges for high treason, he demanded that the secretary of the navy should be put on his trial. He was the man. Do not talk about expelling the venerable gentleman from this hall who was discharging his duty. He called the gentleman would proceed to action. He was but discharging his duty, he regarded as a constitutional and conscientious obligation by presenting the petition here. For his part, if he were not afraid the gentleman would abuse this courtesy, he should be most happy to afford him the opportunity of presenting that paper to the American people. He would not do so, but he would not be afraid to result from a dissolution of the union, and he had no doubt but it would operate as a corrective. He (Mr. B.) had been looking for this for some years past. He had been predicting that it would result in an application from the northern states of this kind, and he was not at all surprised that rule had been made for putting a wedge to that excitement of the gentleman from Massachusetts had said was increasing. When the northern states got the power of denying the right to the southern states of presenting any petition which they might consider a grievance, he ventured to say that they would have such petitions from the south. He regarded that as a great misapprehension had been imputed to the gentleman from Massachusetts on this floor. His course had been dictated from the purest considerations of patriotism. He regarded the gentleman as having been treated with cruel severity by the representatives in this body, and he hoped the question would have been taken without an angry debate. If he had not received the floor from the gentleman from Tennessee, he would himself have moved to lay the whole subject on the table. He hoped the gentleman would follow up his remarks with this motion.

Mr. Arnold, of Tennessee, said that he had truly "fallen on evil days." When a spectacle had that hour passed before for four or four days he might say the last five days, and, indeed, since its first assembling at the extra session. He might even go back further than that; for the last seven years scenes of this kind had been occurring, and with in-

creasing frequency, and growing worse and worse, till now a stranger could not contemplate that house from the gallery without being reminded of the bloody French revolution. It was impossible to restore or to preserve order; the speaker had done everything in his power, but in vain. What could the puny arm of any speaker effect when gentlemen could so bravely disregard the authority of the speaker and of the house? Mr. A. went on to allude to some particulars of disorder which had recently occurred, during which he was several times interrupted, and explanations passed; but Mr. A. proclaimed himself as belonging to the peace party, and desired to avoid coming into personal collision with the other party. He wished to bully and fight, he begged them not to come to him; there were still a few of the Seminoles left; let them go and show their valor upon them. He appealed to gentlemen in behalf of the order of the house, and in the name of that country for which his and their fathers had fought and bled. [A laugh.] Could gentlemen laugh at that? If they did, he asked if banditti could behave worse? He was entirely serious, and nothing was further from his purpose than to provoke merriment; jokes were now out of time as well as out of place.

Mr. A. went on to argue the necessity of observing order. If gentlemen were determined to resist the authority of the body, they ought to leave it. He alluded to a contest during the called session, in which his life had been in imminent peril from personal violence; and during the present session, and within a few days, he had been bullied, apparently by concert and understanding, by a member who, he was told, came from Louisiana, and, according to the democratic version coming to his seat, told him "he was a d—d coward" and "a d—d blackguard," and that, if he did not behave better, "he would cut his throat from ear to ear." He would not condescend to either admit or deny this demonstration. He would not condescend to coming into the difficulty, and leave gentlemen fair notice that he belonged to the peace party. If the democracy employed persons to bully members here, he hoped that if any of them came to cut his throat he would make a mistake and cut his own, which would be a great deal better than his.

Mr. A. then rose to call Mr. A. to order for irrelevancy.

Mr. A. said he was speaking of the disorders of this house, and if there could be a case more directly relevant to that subject on the face of God Almighty's globe, he should be glad to hear it. If the democracy were to do these things to him, he thought they were better calculated to make a man's blood curdle in his veins. Was a man's life to be threatened because he endeavored to support the chair in enforcing the order of a legislative body? But let gentlemen take their course; neither pistols nor knives should ever be drawn, and he would never have a hair's breadth from the path of his duty. If they chose for this to murder him, let him try it; "a coward died many deaths, a brave man could die but once." These frequent scenes of uproar and disorder had operated as impediments, as *chevaux de frise*, in the channel of legislation, and the people observed and complained of it.

Mr. A. said he had a word or two to the aged gentleman from Massachusetts and the young gentleman from Virginia. In offering them he meant no offence. The gentleman's locks were bleached by the snows of four score years; his palsied hand might daily be witnessed by every gentleman who observed him in his seat, or when addressing the house; his feeble hand could scarcely hold a paper, and he knew that him that was near that bourne from which no traveller returns. He could say nothing willingly to wound the feelings of such a man. And he confessed that it gave him pain to see him bearded and assailed, again and again, from day to day, by those who were, in comparison, but bearded boys; nor did it cause him to retract his venerable opinion, which, when provoked, giving vent to his passions in the manner that was too often witnessed here. True, it was very natural, but yet it was greatly to be regretted. The gentleman's indomitable spirit was perfectly known to those who vexed him, and that no opposition could stand before him in the least degree, and he supposed himself to be in the right; and, therefore the more regretted to see these boys getting up and rasping and chafing and bullying him. Yes, boys—who were but of yesterday, in comparison to him, and who were not out of their swaddling clothes when that gentleman was serving his country in the highest station he had long known to be the chief order of the gentleman as a politician; he was among the boldest and most fearless; he never fought under a false flag, but "wore his heart upon the sleeve for every day to pick at." Mr. A. adverted to the days in which the gentleman from Massachusetts, the gen-

tleman from Virginia, (Mr. Wise), and himself, had fought side by side under the same flag, and though he did not approve of all the gentleman did, he was still disposed to

"Be to his faults a little blind,
Be to his virtues every kind."

He had hoped these disgraceful scenes had now reached their crisis. He had been amazed—, or, in a western phrase, he had been "stumped" at the proceedings of these gentlemen, and he felt that the gentleman from Massachusetts and the young gentleman from Virginia—to see two members of this house attacking each other as if they were ready to tear each other's eyes out! and yet, while they were thus assailing each other with the utmost vehemence, he had seen all the while the course, in effect, tended to the very same point, that the gentleman from Massachusetts was, in the sense charged by his opponent, an abolitionist, (but this Mr. A. denied). He hoped he should not offend the young gentleman from Virginia if he said that his efforts yesterday and the day before—his violent, furious, heated, and unbecomingly personal remarks, and his readings by the hour from abolition documents, were all so many more potent instruments in the hands of the abolitionists than anything else on the face of the globe; it would do more to advance their cause than any thing that had ever yet been done in this country. The gentleman had told him and told the country that they were backed by the mighty power of England, and that of all the crowned heads of Europe; they were all in a general combination to push on this cause; and, superadded to all, that they had the aid of a powerful English party in this country. He asked, which was the venerable gentleman from Massachusetts, or his gentleman power and abilities he had dwelt in the very highest terms, and had sent forth this from this hall of congress to the four winds of heaven. Was any thing, could any thing be better calculated to stir up every abolitionist in the land to fresh activity, and to make him feel that now was the accepted time? Had the gentleman from Massachusetts been an abolitionist in the most exceptionable sense of that term, he might have struggled for years, ay till the grave had covered him, and not done as much to aid the designs of those men as would be accomplished by these unfortunate admissions of the gentleman from Virginia. He had said that there were millions of slaves ready at the first sound of the tocsin, at the first gleam of the torch of the incendiary, to leap forth and strike for emancipation, and there was a powerful army levied in the West Indies, and another in Canada, ready to aid them. But as to what the gentleman had said of the English party in this country, it was a column of smoke, an abolitionist in Mr. A. denied it: there was no such British party; he said it sounded very much like the remnant of an old stump speech [a laugh] prepared for some obscure neighborhood where the people did not read much; and it put Mr. A. in mind of a speech he had once made, and which with the concurrence by a stump orator in the west before an election, when he got down from the stump, said to Mr. A. with a laugh, "did I not put it into them about a British party? I know they hate Adams, and I thought that more likely to go down with them than any thing else I could say." Mr. A. had seen the same farce played off more than once; but it was now most unimply.

Mr. A. next proceeded to notice some very extraordinary points of coincidence between the aged and venerable gentleman from Massachusetts and the young gentleman from Virginia. The young gentleman had charged Mr. A. with being a federalist, and a descendant of the federal aristocracy; and then made a great flourish about his own descent from the old federalists of Virginia, and of his family being associated with the Marshalls. Nay, he had not a relative, living or dead, on the ground or under it, who was not a federalist; and he did not intend to let them abuse here. Here, then, were a couple tended one way, that a system of federalism was a sham fight—that they were, in reality, kith and kin, and allies, leagued together to help up the cause of abolition.

[Here some explanations passed, in which Mr. A. denied his having ever admitted that he was or ever had been a federalist.]

Mr. A. admitted this, but his family were; and what was bred in the bone was hard to get out of the flesh. [A laugh.] All his fathers had lived and died federalists; he, alone, was a democrat. That circumstance, alone, was enough to subject him to suspicion. He and the gentleman from Massachusetts were very often voted together on a number of occasions, and he believed they were both what were called "Tyler whigs," and supporters of the present administration. Mr. A. understood such to be the

sentiments of the gentleman from Massachusetts, and that he was opposed to restricting the veto, as proposed by a distinguished senator in the other house.

The gentleman from Virginia was a Tyler whig, of course; but Mr. A. must say he thought that he had observed of late that the gentleman was shifting his sails a little. Probably he perceived that Captain Tyler was likely to get nothing more than a corporal's guard, and that at the same time he noticed with satisfaction the very loving attachment and loyalty manifested toward himself by that modern "democracy" which nobody living had so exorciated for years as that very gentleman. Oh, if any thing was to come of this, it would be a great loss to the country. These men, on whom he had once the most vituperative epithets that the language afforded, now consulting him on all occasions, and ready to fawn and lick his very feet! But a whipped cur was ever the most fawning dog.

According to appearances, Mr. A. rather suspected that "Captain Tyler" would before very long be left his own weight, and the corporal's guard would now adhere to him. The country, it would seem, was to be divided between a great whig party on the one hand, and on the other the old locofoco party headed by the gentleman from Virginia. [A laugh.] Coming events were said to cast their shadows before; and it might be like that the redoubtable Captain Tyler, in attempting to sit upon two stools, would soon fall flat on the ground—a fate he well deserved, as every traitor did.

Such being the coincidences between those two brother federalists, Mr. A. thought that they ought to make up and meet as friends. Indeed, they seemed made for it, like that the redoubtable Captain Tyler, in their tempers and passions. Both were of the genuine federal stock—both were opposed to abolition—and they were pretempore at least, both supporters of the present administration. Clearly, then, they ought to shake hands. They were both ruling spirits of disorganization and confusion in this house; and they were, in the respect, such a complete match, that Mr. A. had more than once remarked that if they were put in a bag together, and well shaken, he did not know which would fall out first. [Laughter.]

Having said thus much to the young gentleman from Virginia, who he hoped would take occasion to say for he had a terrible horror of coming in contact with that gentleman. [Laugh.]

Mr. Wise. The gentleman can't offend me.

Mr. Arnold. I am glad, indeed, to hear that I can't make the gentleman mad. Indeed, I think he is in a much better humor to-day than I have seen him for a long time. He does not look near so cross and fiery as he did yesterday. I am in hopes that the advice I have given him has done him good; and were it not that "die democracy" have so much stronger temptations for him than I can pretend to have, I should really begin to hope that I had made a convert of him.

Mr. A. said he had pursued a different course from that of many of his colleagues on the subject of politics. He felt enmity to none of them. On the contrary, he was actuated by a very friendly feeling, and he had wrestled with himself and had tried his best to join them—he did not say to satisfy his conscience, for, since a certain event, that word had become a strange thing.

After some remarks in which Mr. A. referred to his course at the opening of the present session, his endeavors to enforce order and his determination to do his opponents ample justice, and the feelings of disappointment he had experienced, he said that he now wished to address a word to his southern neighbors and colleagues. It had been a painful thing to him to separate from them, and in hopes that the reading to be pursued towards enforcing the 21st rule and towards the right of petition generally. The gentleman from Kentucky (Mr. Underwood) had anticipated much of what he had intended to say on that subject, and he said much better than Mr. A. could pretend to do, and he was glad to see that the reading his friends were well to that gentleman as to the gentleman from Virginia near him (Mr. Botts) for the exhibition they had this day made of that rare virtue among politicians, moral courage. Yes, it was a rare virtue, and the want of it was the greatest evil that had long afflicted the political condition of the country. He continually consulted and inquired, and whatever might be their convictions of right, would go for nothing unless all their friends went with them. If he were asked what was the greatest calamity that exhibited itself in our public affairs, his answer would be, a want of sufficient moral courage in politicians to do what they saw and believed to be right.

He would now address a few words to his friend from Virginia, (Mr. Wise). We had now reached a

eris on this matter of petition from one side or the other must give way, or the union be dissolved and its destruction be followed by all the horrors of civil war. What good result could arise from keeping open the question on this 21st rule? When a petition was sent to a member in that house, no member would sign it, and the petition would be destroyed for want of reluctance was it that he refused to present the petition, particularly if he was pretty hard run in his district, and had been elected but by a small majority.

Mr. A. would take the broad ground, and affirm that to maintain that the people have no right to petition in all cases was tantamount to saying that they were not capable of self-government, than which no greater heresy could be uttered against the fundamental principles of free democratic government.—The people were the rightful sovereigns of the land; their hands were the issues of power, life, and death. To refuse them the right of expressing their wishes to their own representatives was rank aristocracy; it was the doctrine of the few governing the many.

The gentleman from Kentucky (Mr. Underwood) had said it down as a principle that in a case where Congress had no jurisdiction, the petition could not be received. Now, the gentleman from Kentucky was a cool, deliberate and judicious man, and his authority had weight on the one hand, but on the other, the gentleman from Massachusetts, whom even his opponent from Virginia had admitted to be the first in the country in the study of the constitution, and the best judge of international law at present living, and whose original intellect, though he now approached four score, still sparkled in all its brilliancy, and threw its light on every thing he touched, this gentleman maintained that the right of petition stood on equal ground with the freedom of speech of the people. Who would dispute this? The doctors disagreed? Mr. A. confessed that he was afraid to vote against the right of petition, because he did not know how soon the south might come here as a petitioner herself. It was a constitutional right, and he thought that petitions had better, in all cases, be received. He thanked the gentleman from Virginia (Mr. Bells) for the judicious views he had expressed on that subject.

On this principle the gentleman from Massachusetts had acted, and for this it was proposed to censure him. Was it possible that that gentleman could desire the dissolution of the union? What conceivable motive could he have to attempt such a thing?—Stronger motives were urged than this. He was under no expectation of a higher station than he now occupied, being past the era of aspiring and grasping ambition, his name was all he now possessed, and that he wished to leave to his descendants bright and shining as the noon day sun. Should he succeed in dissolving or even attempt to dissolve the union of these states, he well knew that it must, than his name, all posterity; and, instead of going down in a blaze of glory, it would sink in darkness, shame and lasting contempt. Was it likely that the son of old John Adams, that man whose independent mind preferred Washington, though a Virginian, as the commander-in-chief of the armies of the revolution, and whose voice had first raised the sound of independence and delivered us from a foreign yoke, was it his son who would plot treason? No, he never could believe it. He had presented this petition because he wanted, as the last and most glorious act of a long life, to send forth in these times of general confusion and political degeneracy, a paper with lessons to be learned, and report directly adverse to the prayer of the petition, and which should state in a luminous and convincing manner all the strong arguments in favor of union.—Mr. A. wanted to see such a paper from his hand. If it should even squint toward dissolving the union, or recommending war, or union with any foreign states or in the District of Columbia, he should be greatly disappointed and astonished. But he should like to see in letters of light living, from the able pen of that venerable patriot, an argument for the perpetuity of this union. Such a paper he should be ready to esteem next to that farewell address which had been read on the present occasion, and he would say that, when that paper should be submitted to the public eye, all doubts as to the purity and patriotism of its author would forever vanish, and he would stand before this nation and before all posterity as a patriot alone.

On the crime of presenting a petition with such an object in view, the house was to put on record against him a charge of aiding in high treason, and in suborning the members of that house to the commission of perjury; and he was to consider it as a great favor that the house did not expel him, but contented itself with giving him a reprimand. Mr. A. should like to see that expectation of a small reward to see that gentleman standing at the bar, with his

paled hand, his bare head, and whitened locks, to be rebuked by the speaker, comparatively a mere boy, after having been visited with the vituperation and vindictive persecution of another, as much a boy in comparison. What a spectacle! Mr. A. turned from the thought with loathing and disgust, and would the nation? So far from helping the cause of the south, it would kindle up against her a blaze high as the very heavens. He was against it—utterly and totally against it—from principle and from policy too.

Now, there was a little fact which had come to his knowledge, and which he wanted to state on this matter. He was told that the leading man among the signers of that treasonable petition was himself a modern loco loco, a Van Buren man, who ran on the loco loco ticket as a candidate for the senate of Massachusetts. The man was a disunionist, and that very fact probably had constituted one of the reasons why the whigs refused to receive him. This fact showed the villainy of the farce which it was here attempted to play. Who were the men that were thirsting for the blood of the gentleman from Massachusetts, and crying out "crucify, crucify?" They were the political associates of the man who had just been elected to the senate of his country. His name was Nathan Webster; no relation of Daniel, although as to Daniel himself Mr. A. did not know exactly how he was now figuring before the nation. He greatly feared that he would turn out a real New Hampshire man, and that was but another name for a man of the same kind and the same heart. Daniel, however, had at least this praise, that he had never set himself against this union. And now what was the house going to do? To punish the gentleman from Massachusetts for presenting here a petition which their own political friends had sent to him. Was this a proof that the wanted the union dissolved, and the locos to rule? Or, were they the political friends of the gentleman here were enemies of the union. All the gentlemen from Massachusetts desired was to have an opportunity of replying to these petitioners, and, if he once got that opportunity, Mr. Arnold would become security that Mr. Nathan Webster would never send another such petition here.

What a farce was this whole matter of the 21st rule! What a perfect failure? The house had been more perplexed with it than it would have been without it, because, from the nature of the case, no rule could be adopted that would not have that effect. Gentlemen might as well attempt to dam up the waters of the Niagara as to attempt to stay this right of petition. It was a vain thing, and the locos were on by this rule! Its only effect was to combine with abolitionists all the multitudes who contend for the right of petition. It gained them converts by the hundred, by the thousand. It exasperated the minds of the people, disgusted them with their government, made men care less and less for the union, and prepared them for its dissolution. The free states had now a majority of forty-four in that house. Under the new census they would have fifty-three. The cause of the slaveholding states was getting weaker and weaker, and what were they to do? Gentlemen preached to them that they must rely on the modern democracy of the north. God deliver them from such an alliance! A gentleman from N. Hampshire had called that state the Switzerland of America, and he spoke truly, for her inhabitants were Swiss. [A laugh.] They always fought for those who paid most. There was but one way to keep their friendship, and that was to bait the dogs with the same bait. They were to be allies, trusted to a broken staff, they trod upon ground covered with deceitful ashes. As soon as the south should attempt to do justice between man and man, these mercenary Swiss would instantly desert them; ay, and would be ready to turn round and aid the blacks in cutting their throats.

Mr. A. was ready to concede the right of petition, but he would never yield the right to interfere with slavery within the states, where it had been recognised by the constitution. This had been done in three distinct articles of that sacred covenant. The south stood upon her rights, and insisted upon them, and would not be coerced by their doings, let them alone. If they had a cancer which was eating into their vitals, they did not want the northern probe rudely thrust in to take what little life they had left. All such interference only riveted the chains of the slave. The north might enrich their cities, and improve their dwellings, but such conflagration, such forcible emancipation never would be submitted to so long as life and breath remained. A political and civil equality between whites and blacks never could be established in those states. The thought of it was vain; slavery was their misfortune, not their crime. There was here no remedy, and there was no remedy. The northern remedies were worse than the disease. Did gentlemen suppose that south-

ern men would ever suffer their daughters to be the associates of Quashimpo or enter into alliance with negro husbands? Did they themselves desire to sit in this house chuck-by-jowl with a woolly headed number, who used in ten years to give him no perturbation? He had confidence in his northern brethren; he could not believe that they wanted to invade the south and help the slaves to cut the throats of their wives and children. They could not desire to see the flames of their habitations quenched by human blood.

His friend before him, (Mr. Slade), was said to be an abolitionist; but he had lived six months in the house before he had seen a man who gave him no perturbation on familiar terms with him, and had never heard the subject of abolition mentioned. Would that man lend his aid in effecting such a result? No; it was contrary to the Christian religion—it was against all the better feelings of our nature. The pretext for opposing slavery was a Christian feeling, and a feeling, and could humanity, could Christianity, lead men to abet insurrection, devastation and bloodshed? Mr. A. had supported a northern president, and that when the billows of Jacksonism were rolling in a flood over the land. He had voted for a Massachusetts man in spite of every objection; and he had turned to the north and said to his northern brethren, "Let us alone." He was willing to receive their petitions under the constitution; they must be willing to surrender up fugitive slaves, and to resist a servile war, under the provisions of the same sacred instrument.

And now he would add one word to his northern friends, and that was, that he would not rely on if the union were dissolved? Suppose the dissolution could be peaceably effected, (if that did involve a contradiction in terms), what had the south to depend upon? All the crowned heads were against her. A million of slaves were ready to rise, and tap for freedom, and then the drums would be taken up, they to cut loose from their friends at the north, (friends they ought to be, and without them the south had no friends), whither were they to look for protection? How were they to sustain an assault from England or France, with that cancer at their vitals? The more the south reflected, the more warily she must see that she had a deep and vital interest in maintaining the union.

Mr. A. had been gratified to hear the farewell address of the father of his country read in that hall. He loved to hear it. He ever made Washington his model, considering as he did that purity and integrity were the two leading virtues of his character, and he had ever believed that purity and integrity were also the two leading virtues of his country.

The young gentleman from Virginia had told the house that he was not descended from the aristocracy of the land; neither was Mr. A. As a celebrated democratic orator in a certain western legislature had said when defending Captain Tyler, "he was descended from the Pilgrim family that landed on Plymouth Rock in the Old Dominion, commonly called the state of Virginia." His father had been no federalist but a Jeffersonian democrat. He would as lief have been called a mad dog as called a federalist. At the very sound of the word he laid his hand on his broad axe. He must say that he thought his young friend had been particularly unfortunate in a reference to the philosopher of Monticello in alluding to his "domestic relations." None were without their follies, and Mr. Jefferson had his; but no friend of his memory acted prudently in referring to that part of his character. Mr. A. here related some anecdotes of his own early history, illustrating the character of his father, and then he related the particulars of a visit he made to Mount Vernon, the feelings of solemn veneration with which he had been led through apartments once familiar to General Washington, and the effect of a solitary visit to his tomb, where Mr. A. had solemnly vowed, in the presence of God and man, to be as true to the principles of Jefferson as he was to the principles of his own father. He had never broken his vow. He afterwards made a similar visit to Monticello, and, in inquiring in the vicinity as to the private character and deportment of Mr. Jefferson, had become abundantly satisfied that the lovers of his country were to be proud in never alluding again to his "domestic relations."

This led him to speak of the condition of Virginia, which he compared to the ruins of ancient Thebes, on which nothing was to be seen but the vulture, or the carrion crow, and at whose base no inhabitants were to be found but the fox and the jackal. She could boast of having given birth to some of the great names of her kind. Her sons were the names of Washington, and Jefferson, and Madison, and Marshall, but there, with a few bright exceptions, her boast must for the present stop.

Before he resumed his seat, he must be allowed one word to his young friend from Virginia. That

gentleman was quite ferocious towards abolitionists, but who were to my own allies at this moment in the other end of the Capitol.

In Ohio, there had once been a man who was familiarly called Ben Tappan, a brother to the great abolitionist of that name in the north—to that Arthur Tappan who had, by the power of his money, recently gotten up an abolition convention and nominated a governor, perhaps a president, and who had appointed a committee to advise the negroes of the south to run away, burn their masters' houses, and cut their throats. Now, with regard to this Benjamin Tappan, with whom the gentleman was now in intimate alliance, it was very commonly said, and universally believed in Ohio, that he was a hypocrite, and that if he came to the northern bank of the Ohio and saw across the river the slaves burning the plantations and cutting the throats of women and children, he would fold his arms, and not lift a finger to stop the massacre; and that if his son attempted to go to the rescue of the unfortunate whites and blacks of the South, he would shoot him, and could act in concert with a blood thirsty wretch like this, could get up here and lecture that house on abolition; and if men from the south would not agree with him, and go the entire length that he did, they were to be denounced by some Clement C. Clay, or by the gentleman himself, as abolitionists, while, at the same moment, he could take to his bosom one who had avowed feelings so odious and damnable!

Mr. A. here alluding to the late hour and the fatigued condition of the house, said that he thought it quite time to close this debate, and with a view to do so, he would move to lay the whole subject on the table.

At this moment many gentlemen rose to their feet desirous to address the chair, and the remonstrances were so loud and numerous that Mr. A. said that he would not set himself up in opposition to the wishes of the house, and should not, therefore, insist upon his motion.

And the speaker gave the floor to Mr. M. Mr. Saltonstall, who went into a statement of the facts relating to the obnoxious petition presented by Mr. Adams, upon which all the present difficulties had arisen. He gave a history of the rise and progress of the idea of dissolving the union, beginning with the various threats from the south, and the great efforts of the union for its preservation, and the passage of the tariff, from the nullification party, &c. This petition was from his own native town, Haverhill, and he felt much surprised and distressed at the circumstance.

Mr. S. then went into a vigorous reply to Mr. Hise, and eloquently defended his friends, and charged against him in the long speech of the gentleman from Virginia.

Mr. Thompson, of Indiana, rose and said he thought this debate had proceeded far enough, and that no good end could be obtained by letting it go on; he therefore moved to lay the whole subject on the table.

After several motions for calls of the house yeas and nays, and motion to adjourn, the house, at seven o'clock, adjourned.

FRIDAY, JAN. 28. Mr. Marshall having appeared to Mr. Thompson to withdraw his motion, and promised to renew it if withdrawn, Mr. T. thereupon withdrew it.

Mr. Marshall said he had risen for the purpose of endeavoring, at least, to extricate the proposition he had offered to the house from all those matters extraneous to it which had so assiduously been attempted to be connected with it, as well by those who were its avowed enemies, as by those who had professed, in addressing the friends of the gentleman from Massachusetts, and those who had addressed the house in his defence, had pressed on its consideration the situation in which he was placed before this house, by the charges said to be contained in the resolutions Mr. M. had had the honor to propose. But it ought to be remembered that the motion was made before the introduction of any party opinion, in which Mr. M. must appear as the accused party. He had been well aware of the past services, of the weight of character, of the dignity, of the learning, and of the important position of the honorable gentleman from Massachusetts in that house and before the world. He was well aware that the gentleman was infinitely distant from him in age, reputation, and personal importance and standing before that house; yet, notwithstanding all this, operated upon as he was by motives which he considered adequate, he had deliberately chosen the course he had pursued, under all the circumstances which attended it. He had been accused Mr. M. of having charged the gentleman from Mass. with subornation of perjury and with high treason. How was it possible but that even the most cursory and hasty reading of the resolutions he had offered was not of itself

sufficient to show to any man that they contained no such charge against a member from Massachusetts? He should not abuse the patience of the house by introducing what was irrelevant to the subject; but, before he came to what was the real question, he must be permitted to take some little notice of what had yesterday fallen from his friend from Virginia, over the way, (Mr. Hise.) He entertained the highest respect for that gentleman, and for the friends of the north from him politically as widely as do the poles, and he would be the last to allow his views on the present subject to go before the country on the grounds on which they had been placed by that gentleman.

Mr. Hise interposed, and said that he never had intended to say in any way, in his address, that resolutions offered by the gentleman from Kentucky (Mr. M.) in what he had said yesterday and the day before, he had spoken on the question of printing them, and of printing alone—not to advocate the resolutions, but to excuse himself from voting on the case of the gentleman from Massachusetts. The gentleman from Kentucky said that he had printed his speech by disavowing his willingness to leave his proposition to rest on any grounds taken by Mr. W., for he had not intended that what he said on that occasion should be understood as having anything to do with it whatever.

Mr. Marshall resumed. He was glad to hear this disclaimer on the part of his friend, and was very thankful that the first story was not told; for the gentleman indeed intended his speech as friendly to Mr. M.'s proposition, he should have been tempted to exclaim, in the words of the Spanish proverb, "God deliver me from my friends, and I will take care of my enemies." Mr. M. had read the report of the gentleman's speech with great attention, and should he, in the process of condensation, reduce the speech of the gentleman to the form of distinct resolutions, they would amount to about these: 1. *Resolved*, That the existence of slavery as an institution is essential to the preservation of liberty and equality. [A laugh.] 2. *Resolved*, That there has been, from the very foundation of this government, an English and an American party, led and headed by the house of Brintine, its object being to bring back this country under the dominion of England, and that this is northern policy and northern principle. 3. *Resolved*, That this language was once uttered by Mr. Jefferson; that, being afterwards somewhat revived, it was again carried by General Jackson; but that it still retaining the principle of vitality, and now appearing under the gentleman from Massachusetts, it will again be crushed, if the whole south will unite and rally against the entire north, in this attack against liberty and equality, and in favor of England, led on by John Tyler, A. Reel, that one Mr. Hise, schemes of this English party, to destroy this confederacy of this English party, by which English commerce is to be established, by which English commerce is to be curtailed, by which a threatening rival to her is to be raised up in the north—the right arm of England, viz. her manufacturing industry, and the power of her machinery, is to be palsied, and the north to be cut out of the world, and the great customer, not only of our own country, but of the rest of the world. And this is to be the means by which England is to be conciliated, and with her consequent aid this union is to be dissolved! [Loud laughter.]

Now, against both this last statement of fact, and the conclusion drawn upon it, Mr. M. begged leave to enter his dissent. He said that the gentleman might or might not have had in view in offering the resolutions which he had submitted to the house, the very last was to revive here, and at a time like this, the bitter and venomous animosities of 1801. Those unhappy enemies grew out of a state of the world which had been the cause of the country, which existed no longer, and never could exist again.

He entered his unqualified denial that the federalists whatever might have been their mistakes had been traitors to the country. Friends of England, to the injury or dishonor of their own country, they never were. In the then existing state of the world, and in the then existing state of the country, they were not only not traitors, but they were patriotically and dangerously disturbed, when one vast military power was rising over the subjected and afflicted kingdoms around, and when one gigantic and commanding mind was wielding that entire mass of military force with as much ease as if it were a willow wand, and when he felt that it was not for the State to abandon her neutral position, but to be assailing that power whose navy alone prevented the establishment of a despotism such as none of the Caesars ever equalled in power, and which would very speedily have overshadowed the world. This had been his honest belief; but public opinion condemned him. He had been charged with treason, and the friends of Washington and had entered his family at 19 years of age and had been appointed by him second in command, had treason in his heart, it would be hard to convince him of it. His positions in re-

gard to a navy, to a bank of the United States and other kindred measures were formed in the school of that *democratic* sacred dust now reposed on the banks of the Potomac.

Mr. M. said he had not brought forward the measure proposed in the resolutions he had offered as being peculiarly a southern measure—neither had he proposed it as peculiarly a northern measure. It had been a measure of a general nature, a measure in any sense, but purely as an *American* measure—a test of how much American feeling existed in that body, and as according to all who were actuated by it an opportunity of subscribing hereto what he deemed the true doctrine of the constitution, in which all good and true hearted patriots could unite, and which would secure the peace and happiness of this country.

Thus much for what might be considered as in some sort foreign to the subject immediately before the house. He came now to the matter in hand.

And first he had a word to say on the nature of the defence which had been here set up.

The defence had been made that the true design of the movement had been, that Mr. Adams might have an opportunity to seal the lips of the petitioners by a triumphant report against them. This had, in substance, been the defence set up, not by the gentleman from Massachusetts, but by the ablest of his advocates. Now, if that defence had been urged before this house by the accused himself, if he had so much as breathed such a wish, as had been ascribed to him by his eloquent champion from Virginia, (Mr. Bolls,) it would have had such an effect on the feelings of Mr. M. as might possibly have prevailed with him at that moment to withdraw his resolutions. But Mr. M. could not consent to overlook the defence set up by the gentleman himself, and be thus turned over to the defences advanced for him by others. What had the gentleman said? As to what he might have uttered in the irritation of the moment against Mr. M. himself, it had gone by; his mind was occupied by things so much higher, and in which he felt so much deeper interest, that things of this kind could make but little impression upon him. And, although the judgment of the gentleman from Massachusetts could not but have great weight in that house; and although the gentleman had denounced Mr. M. as not possessing a mind enough to judge of the meaning of the constitution, and that he was guilty of the heinous crime of high treason, and as one who had suffered so deeply from habits of intemperance that it would take him three years to recover sufficiently to be fit to go to a law school; and though the gentleman had said that Mr. M. had admitted to him in private conversation that he was under the great oppression under a refusal to receive their petitions—

Mr. Adams observed that what he had said was, that the gentleman from Kentucky had admitted to him, in private conversation, that he was a friend to the right of petition, and believed abolition petitions ought to be received.

Mr. Marshall expressed himself as happy in being thus corrected, and true that he had taken the ground that abolition memorials ought to be received, but not as a matter of right, but purely as a matter of expediency. He still thought so; he believed it would be expedient to repeal the 21st rule, to receive all those memorials, and to refer them to a select committee, with the gentleman from Massachusetts at its head; that he might have an opportunity of telling that house, the south, and the world, what it was that northern men really thought on that subject, and what they would be at.

But to proceed, Mr. M. had been actuated in this whole proceeding by no personal feeling hostile to the gentleman from Kentucky, but by the great humanitarian thought, by those irritating aunts which no man better understood than himself, to sting Mr. M. into a want of propriety in his deportment in that hall, he misunderstood the character of the man, intemperate as he might deem him to be.

The petition which had given rise to this proceeding was a petition of a general nature. It traversed the national legislature to take the preliminary steps to a dissolution of this union. What was the defence which had been set up for such a document? Two points had been made: first, the gentleman insisted upon the right of these petitioners to do this thing. And then, in the second place, doing this right,atory act of no value unless they might petition congress to effect such dissolution. What did this argument prove? That the American government cannot be abolished by the American people without their asking congress to do it. This was the body which must destroy the union, if it was to destroy it at all.

And then the gentleman, as the next step of his argument, has gone on to enumerate the grievances which led these people to desire a dissolution of the union, and the grievances were almost without num-

and the other at the other end! [Laughter, loud and long.]

Oh, sir, "tell it not in Gath, publish it not in the streets of Askelon." If the doctrine is true, then these two great political leaders have combined together once more; they are in common consultation to overthrow the constitution, and I suppose that I, as a good whig, am bound to follow them. The devil take me if I do. [Convulsions of laughter.] That is running the game into the ground with a vengeance.

I did indeed vote for the repeal of the 21st rule, but I never have seen what it is. I believe the real object of the gentleman from Massachusetts—after he has avowed himself to be an alarmist, and his friend has warned us to remember that he is a descendant of an English band of government overthrowers—I cannot consent to trust him with any thing in which the existence of this government is at stake, or shall I act inconsistently. The 21st rule still remains in force, and I will not lend the gentleman my aid in surreptitiously getting into this house what that rule forbids.

The gentleman has charged me with being an enemy of the north, and with a purpose to oppose her. Mr. M. discourses in a manner that I cannot be a friend to the north and a friend to American labor. We are warned not to censure this the first proposition ever yet heard in this land to break down the fair fabric of the union! What is it come to this! This proposition goes a whole stone's cast beyond any thing that has been said in this chamber since the late Mr. W. made his famous English brains want a hint straightway to improve on it. The convention that sat at Columbia never took the ground that congress had power to dissolve the union, nor did they so much as pretend that they were themselves overthrowing the constitution. I know what they thought, though I differed from them, and shall forever differ. They said that they were maintaining the constitution. They insisted that they had a right, though I never could see where they got it from, to arrest the execution of what they deemed an unconstitutional law, until there was time for the voice of all the other states to be heard upon it; but they never pretended that their rights were nullified unless they could come to congress and pray this vote to dissolve the union. If I vote for any such measure—for a measure which professes to be preparatory to it—I am guilty of perjury; for I have been sworn, over and over, not to destroy, but to support the constitution on its principles, and the instrument of my support, and I am bound by my oath to uphold it now and forever.

But we are told that the gentleman is an old man, and that therefore we must not censure him; it would be an ungracious act to pass a vote of censure on one so venerable. Are we to treat him as some old imbecile, whom it is not worth while to notice? No, sir, far from it. His friends have arrayed him in the armor of civility that can make a man at once great and terrible. They have conceded to his hand every instrument of mighty mischief—gifts of understanding, of eloquence, of knowledge, of dignity, of power, to move the public mind; and yet, after painting him thus, the same gentleman turns round and tells us that he is no fit subject for the action of this house. Sir, I have listened to that gentleman most attentively whenever he has risen to address this house. I have placed myself near his seat and listened with profound attention to every word which has proceeded from his venerable lips. I wanted to see what was really the course he designed to pursue; for one who has so much power.

If the gentleman's own declarations and action are to be trusted as true exponents of his purpose, his purpose is that which is expressed in the petition he has offered; it is the ultimate and utter ruin of southern institutions; and I now call upon northern men to say whether they are willing to pass such a law. I ask them to tell me whether they are the views of the able and honorable men who represent northern interests on this floor. Does the north really mean this, and do they put this gentleman forward by way of feeler, because his age and dignity, and past services, and venerable appearance are such as will suspend the act of this house to punish him? Do they seek to escape personal responsibility? When the gentleman from Ohio (Mr. Giddings) the other day shook hands with tears in his eyes with my colleague over the way, and my colleague, with scarce less emotion, shook hands with him, he talked much of friendly understanding and sympathy, and of the friendship of my colleague and all southern gentlemen that he had no thought of such a thing as interfering with slavery within the states where it existed; but he and his friends wanted to be free from the expense of maintaining it, and he was fast going on to explain himself further, when, at that moment, southern gentlemen rose and stopped him. I entertained

them not to do so; I implored them to let him talk on. The gentleman is a neighbor of mine; we are separated but by a narrow river; the views of him and his friends are of deep and vital interest to our section of the country, and we never were so near getting at what his views actually are. I wanted to hear him; I wanted to hear what he would say under this new born alliance between himself and my colleague.

This is the first time that any man has been bold enough to introduce on this floor a paper proposing a dissolution of the union. He ought to be boldly met. If we meet him and his proposition with as decided a resolution as he meets us with, we will show the infamous proposal to us to break our oaths in tones of that indignant thunder which it justly merits; it will have a healthful effect throughout this land; it will gladden the heart and strengthen the hands of every loyal true-hearted American citizen, of whom I well know there are millions at this day in the north; and it will have the novel effect of checking this gentleman and his associates in any further proceedings they may now meditate in this line of policy.

For all the bitter and venomous things he has said against me, I forgive him. He said that I boasted of my aristocratic blood. I will not characterize that assertion as it deserves. I forgive him that too; and I will in my power to exercise from this point that civility that denotes a gentleman, which threatens all that is dear to me—if it were possible that he could be brought, in any good degree, to recant what he has here declared—if I could see any gleaming of that spirit of pacification, that love for the constitution, and that zeal for the union, which it is my duty according to him by others would instantly and joyfully retract all that I have said.

I am the last man on this earth who would wish to strike at that venerable head, whose past history, whose advanced age, whose distinguished talents, all whose associations plead so strongly to spare the blood.

Mr. Marshall renewed the motion to lay the whole subject on the table, at the same time expressing his earnest hope that the motion he was thus compelled by promise to make would not prevail.

And by yeas 96, nays 110, the house refused to lay the subject on the table.

A question recurring on the substitute amendment of Mr. Adams.

Mr. Adams rose and said: I have heard it said by a person acquainted with Warren Hastings—

Mr. Gilmer rose to a point of order. He said that he had made four or five efforts to obtain the floor.—And all that he desired to know was, whether, before he could be entitled to the floor, he would be required by parliamentary courtesy, to say a few words not in relation to the proposition of the gentleman from Kentucky, but that which he (Mr. G.) had himself offered?

The speaker said that unless the whole subject should be laid on the table, or the previous question should be demanded, the gentleman from Virginia (Mr. Gilmer) would be entitled, by the rule, to close the debate.

Mr. Gilmer explained that he had not risen to any point of order in relation to the personal right to the floor of the gentleman from Massachusetts, or with any personal or political reference to the subject, so far as that gentleman was concerned. The point is laid entirely to himself, (Mr. G.) and he begged the pardon of the gentleman from Massachusetts for interrupting him.

Mr. Adams said there was no occasion to ask his pardon for taking the floor from him. He did not feel that he was not of the same rank with the gentleman that gentleman, (Mr. Gilmer). If he (Mr. A.) was to answer for one crime, he might as well be called to answer for half a dozen, or ten, or twenty. The proposition of the gentleman from Virginia was one which would materially enrich and make more narrow the defence. That charge he should have been willing to have met once.

Mr. A. alluded to the distress which, he could not deny, the propositions, both of the gentleman from Virginia and the gentleman from Kentucky, had given him, and said that the most poignant part of that distress arose from the fact that the house would be under the necessity of consuming a large portion of its time in its defence, if he was to be held to answer the charges of the gentleman from Kentucky. And the first proposition that he should make was, what he had already insisted upon, as would appear by the journal, namely, that he should be entitled to the house for a trial before his peers upon the charges of malice and calumny and perjury and treason, and these charges were contained in the proposition of the gentleman from Kentucky, whatever injury the gentleman might have used in his remarks to-day to explain them away.

Amongst other things, the gentleman had stated that it was not him (Mr. A.) that he charged, but

that, if any body, it was the petitioners; and the gentleman had made a speech of upwards of two hours duration, to prove that he (Mr. A.) was responsible for the very same things as those who had signed the petition. He (Mr. M.) had represented him (Mr. A.) in his speech as in favor of the petition, in the face of his express declaration to the contrary; had not the gentleman from Kentucky logic enough (if he had not law) to see that the very proposition that this house should instruct the committee to report against the petition, was a declaration on the part of this house, at the very first instant, that they held no such right as to change the views of those who had signed it, and only in defence of the sacred right of the petitioners to present their grievances here, would they answer the petition and assign reasons why the prayer of it should not be granted.

He had heard it said by a person acquainted with Warren Hastings that when he was brought before the judicial tribunals of his country for the commission of high crimes, upon the trial which lasted (Mr. A. believed) seven years; when the thunders of eloquence of Edmund Burke and Robert Brindley Sheridan were poured upon his head, he almost thought that he was guilty of the crimes with which he had been charged. He thought that he was in a position in which he was assailed. The eloquence which the gentleman from Kentucky had now exercised personally against him, under the profession of having no personal feeling, was equal to that of Burke and Sheridan combined. But he (Mr. A.) did assure the gentleman and the house that, under the circumstances, he thought the idea deeply improper upon his mind that he was guilty of any part of the charges brought against him. Not for one moment had he been driven from that sense of conscious innocence with which he met this charge, coming, as it did, from the most extraordinary combination of parties that had ever before formed in this house, a combination of men of formidable character. What was that combination? It came in the first place from the state of Georgia. The first attack upon him here had been from Georgia whigs. [Mr. A. recapitulated the circumstances attending the presentation of the petition and letter from Clarksville, Georgia, so postmarked and mailed to the Virginia Convention, by Mr. (John) A. Adams.] To the opinions expressed by the members from Georgia that that petition was a hoax, had added a fact unknown to him (Mr. A.) that the petition and letter were written on congressional paper. Did the gentleman mean to say that he was privy to the composition of these papers?

Mr. A. said that he had not examined the paper, but he had been told that it was the same kind—that it was gilt-edged, and that the signatures were all in one handwriting. The impression of all was that it was a hoax. He had never seen the paper till he had seen it at the clerk's desk. The representatives from the state of Georgia disclaimed any knowledge of it. And if the gentleman from Massachusetts had taken the same precaution, in reference to that petition, as he had done in reference to the petition now pending—written home to see if the paper was genuine—he would have found out whether the signatures were true or not.

Mr. Adams said he did not feel himself bound to send to Georgia to do so. If it was a hoax, the injury was the greater to his rights and to the rights of his constituents, and the breach of privilege to him was greater than if the paper had been genuine. If, therefore, the gentleman's information was correct, and if the petition was on congress paper, what was the inference? That it was a fabrication on the part of some of the members of the Georgia Convention, and that it was a fabrication of the kind which had been brought into the difficulty into which he had been brought.—It might be so. In the usual simplicity of his heart, he had received the paper as a genuine paper, and he believed it to be so.

Mr. Habersham disclaimed any knowledge whether the document was disingenuous or not, and said that he could disclaim a belief of himself and his colleagues, to say a word in denial of the charge or insinuation (which ever it might be) of this kind; yet he felt bound to say, that the gentleman from Massachusetts ought to have known, that he did know, that he had good reason to know, or, at all events, to believe, that the petition came from no meeting of citizens of Habersham county, and must, if it came from them at all, have come from a single individual. The gentleman must either have disbelieved what the (Mr. H.) had stated to him, or at least have doubted the fact.

Mr. Adams, after protesting against the constant interruptions to which he was liable, and recurring to the manner in which he had been cut off at the very moment he was entering upon his defence, stood here, he said, upon the accusation of the gentleman from Virginia, (Mr. Gilmer), on the one hand, and the gentleman from Kentucky on the other, both of them being apparently anxious to have the question

taken; so that if he should be acquitted on the charge of the gentleman from Kentucky, there yet remained the other, upon which he was to defend himself, upon other grounds, against the gentleman from Virginia. Who on this floor could fail to be surprised to see the gentlemen from Kentucky and Virginia united together in this purpose of casting censure upon him—the gentleman from Kentucky, the head of the home squadron, and the gentleman from Virginia the chief of the navy?—The gentleman from Virginia exercised as late governor of Virginia, of the Tyler party. There was a coalition for you! [Laughter.] Pointed against whom? Against one single individual, a member of this house, charged with half a dozen capital crimes; and this house was called upon to cast its vote upon his present position? [Laughter.] For, come to the real point of the matter, that, and that alone for which he had really to answer before this house, as he conceived, was for the crime of presenting a petition.

Now in what part of the constitution of the United States was this declared to be a crime? He would like the gentleman from Kentucky to look into his deep researches of law, common or national, and to define where the law was which constituted it a crime to present a petition, under what title it might. Where was the gentleman's law? He was a great and profound lawyer, and he, (Mr. A.) asked him to state where should he find his law? Let him look into the constitution of the United States and show where the law was by which he would punish, in any shape or form, a member of this house for presenting a petition. No; in the first place, the gentleman had made the law; he had then gone on and accused an associate member of violating the law—to sit as a judge upon him, and then to turn executioner. And, to crown all, had declared that it was a great mercy and favor that the punishment was not much more severe.

Long as the gentleman's speech had been, under a provision of personal explanation, he (Mr. A.) was willing he should make another speech as long as there should be time for him to find his law. Was this republican? Was there a government on the face of the earth that would punish a man for a crime, when there was no law which constituted that crime? He should like to hear the gentleman on that subject.—He, (Mr. A.) on the contrary, declared that there was a law expressed against it. Was this republican? In the constitution of the United States, he declared that no *ex post facto* law should be passed; and that provision was declared to apply to all criminal and penal laws. The provision was the dictate of justice and humanity; and he trusted he should have the benefit of it before the house came to decide upon the question.

The gentleman from Kentucky, Mr. A. repeated, had first made the law, had next charged him with a violation of that law—in what Mr. A. must be permitted to call blackguard language—and, in addition to this, had proceeded to punish him. We read scriptures, that when Michael, the Archangel, had quarrelled with the devil, [great laughter,] he used no railing accusation against him. He advised the gentleman, who was so profound a lawyer, to read a little of the Bible; and there learn, that if he meant to attack a man—to ruin his character, to ruin his usefulness to the country, and to deprive him of the services of his house, he should use no railing accusation. The gentleman's accusation against him, (Mr. A.) in addition to all its other defects, was a railing accusation.

He had spoken of the extraordinary position of the gentleman from Kentucky combined with the chief of the navy, the head of the home squadron, the marshal of the army, the present administration. When he saw that combination in the first instance, he could not help asking, What is this? Misery, it was said, makes strange bed-fellows. And he thought to himself, was the gentleman from Kentucky of such misfortune, that he was compelled to seek such companions? [Laughter.] Then came the Georgia whigs, who, after endeavoring to produce an impression unfavorable to him for having presented a petition, on the ground that it was a hoax, and had gone on voting against him, for the purpose of bringing censure upon him.

The third part of this combination was a large portion of the Virginia whigs, who were neither Tylerites nor Kentuckians. And then, the great democracy of the free states—the auxiliaries of the "peculiar institutions." [Laughter.] Was a coalition of these parties, who were called the "Union men," to maintain the right as a member of this house, to present petitions complaining of grievances. A very strange composition! And already he found that in the operation of that great party there was a radical difference of opinion on some things extremely important and vital in all this controversy between the

commander-in-chief from Aconae and the admiral of the Kentucky squadron from Kentucky. [A laugh.] The gentleman from Aconae, in a five hours' speech, had considered this as a question of abolition from beginning to end. And how did his friend, rival and opponent, (for he bore all those characters), brave that most preposterous charge ever made in this house, that all the movements of his, (Mr. A.'s) were under English influence. Among his speech, he had considered this as a question of man from Kentucky, he was happy to find that he disclaimed as totally false any such imputation. He also thanked him for another part of his speech, for every word he had used to show what horrors this country in every part would endure in the event of a dissolution of the union. And he hoped his friend would confer the honor of it to the gentleman from Kentucky, that he should have no more such resolutions as were prepared by the gentleman from South Carolina, (Mr. Rhett), and kept in his drawer to be presented to this house. He should have hoped that, out of mere sympathy, the gentleman, if he had thought him, (Mr. A.) guilty of the crime of perjury or high treason, as he would be necessarily included in it, would have given him, (Mr. A.) the benefit of his vote upon this occasion. [A laugh.] But no, he was a part of the party. He now voted that he, (Mr. A.) was guilty of subornation of perjury or high treason, and that he was a traitor to his country and his views! [A laugh.] That gentleman and the rest of the representatives from South Carolina—that land of nullification against whom Andrew Jackson himself was reduced to the necessity of issuing a proclamation threatening them with the second secession—were profuse as to what they effected against presentation from that state ready to endorse the charges of the gentleman from Kentucky, of high treason because forty-five of his fellow citizens thought on the particular point of the dissolution of the union just as they did!

He said this was a formidable combination. He should certainly belie his feelings if he could say that he was not sensible of the fact that there existed a combination of parties might be in this house. But as it was concluded, and the house had thought proper to determine that this proposition should not be laid on the table, he was obliged to meet it, and he now repeated here, what he was afraid his own countrymen and constituents would not fully understand, that it was probable as to what he effected against presentation from that state ready to endorse the charges of the gentleman from Kentucky, without asking to say a word on this subject, if the house had thought proper to lay it on the table. He would have nothing to say, if it, the house had said they would have nothing further to do with this accusation. What was it, after all, that the gentlemen from Virginia, Kentucky and Georgia were all pushing? It was to make him, (Mr. A.) sit here, hour after hour, and hear invective from the most eloquent members from this house against him, and to see that all their grievances, public and private, were to be detailed here, in the face of the nation, and the time of the country to be consumed. He was willing to submit to it, but he had thought proper not to be accountable himself for this consumption of the time of the house.

He said, that he would have been to act on him—on the position assumed that he had been guilty by act or thought of the charges contained in the gentleman's preamble and resolutions—he had demanded a trial by his peers, as secured to him by the constitution of the United States. And he demanded now that before the house came to the final conclusion that he was guilty of all their grievances, they should send him out to be tried before a tribunal of the country. It was in the power of the house to issue an order to the attorney general of the United States to prosecute him for this crime before the proper courts. Then he should have the benefit secured by the constitution of the United States, and he demanded this still, if the house was to proceed and act on the resolutions. They were bound, before they came to any such resolution, to have the act established, and established in the judicial court. The house had no right whatever to act without first having established the fact on which they themselves undertook to censure him. That was the case pursued in the case of John Smith; into the particulars of which he briefly entered.

But he was going to say, that, after having done with that, and if the house thought proper to proceed with this matter, he should wish to have two or three days more to demand the resolutions and information which would be necessary for his defence. He would send a list of the resolutions to the chair.

It was as an accused person before a criminal court trying him on this charge that he claimed the right

to offer them. He wanted the information which they asked for, for the purpose of his defence. He further said, that he should ask for a postponement. He wanted this trial, and those documents, of which he asked; before the house acted upon the resolutions.

The clerk then read the resolutions, as follows:

Resolved, That the president of the United States be requested to cause to be communicated to this house, if not incompatible with the public interest, the correspondence between the department of the state and the ministers of Great Britain; also with the governor of the state of South Carolina and with the late William Johnston, a late member of the senate of the United States, relating to an act or acts of the legislature of South Carolina, directing the imprisonment of colored persons arriving from abroad in the ports of that state; also, of the late Judge Johnston, and those documents of which he asked; before the house acted upon the resolutions of the said acts.

Resolved, That the secretary of the navy be requested to communicate to this house, if not incompatible with the public interest, the proceedings of the naval court martial, recently held for the trial of captain William Compton Bolton, and of the preceding court of inquiry upon whose report the said naval court martial was ordered. Also, copies of all despatches received at the department from Isaac Hull, late commander of the squadron of the United States in the Mediterranean, reporting the proceedings of that squadron consistent upon the receipt of a letter or letters of the said commander of the squadron from Andrew Stevenson, late master of the United States at the court of Great Britain, together with copies of any such letter or letters. Also, copies of all despatches of the navy department to the said commander of the squadron, or his superior in the command, consequent upon and relating to these transactions.

Resolved, That the president of the United States be requested to communicate to this house, if not incompatible with the public interest, a copy of any letter or letters written by him to William Cost Johnson, relating to the rule of the house excluding from reception papers of any kind, or relating to any other business of the United States, or to any agency of the said William Cost Johnson in the introduction and establishment of that rule.

Resolved, That the president of the United States be requested to inform this house whether he ever authorized Henry A. Wise to affirm in his place that he knew the president was in favor of the rules or any rule of the house including and relating to the rule of the house excluding papers, including resolutions of state legislatures, from reception.

Mr. Adams continued. He would want the adoption of all these resolutions by the house. They were all extremely essential to his defence. But there was further going to say that before the house had decided to adopt the resolution before them, he should insist upon their decision whether they would turn him over to the criminal court to establish the facts on which this resolution was founded; and then he would ask the house to refer him to the criminal court, where he hoped he should be able to stand up and defend himself before a jury of his countrymen against these enormous charges, and where he hoped he should have an impartial trial. If not, if it was the pleasure of the house to proceed and to presume that he had been guilty of this crime, in order to pass this vote of censure on him, then he should have nothing but his country to appeal to. And then he hoped he should have it in his power to send out to the country not only the nature and extent of the accusation, but the manner in which it had been conducted by this house.

If he so called to answer the accusation made by Mr. Gilmer, of contempt of the house it would occupy much less time than the other, but still it would require some time—a good deal of time. He hoped that members of this house, if they could not be operated upon by public considerations, would consider that such an event as one of themselves would be subjected to if they understood the facts of the case, and on one of their friends the act of which he was accused—presenting a petition in this house. He hoped the house would take occasion to consult the precedents of what had been done heretofore on charges of a similar kind. The most apposite case (and that which he understood to be the case) was a privilege, about four years ago, in this house, upon a charge of cold-blooded deliberate murder of one of the members of this house. He had alluded to that case from absolute necessity heretofore. He now alluded to it in order that the house, before they came to decide upon him, would inform themselves what were the proceedings in that case; he knew of none that so clearly resembled it.

[Here a message was received from the senate, by its secretary, A. Dickens, esc. announcing that that body had rejected the bill from the house repealing the bankrupt law.]

Mr. A. said he hoped this was a good omen for the decision of another of the favorite projects of the gentleman from Kentucky. [A laugh.] About four years ago, he continued, a deliberate cold-blooded murder was committed on a member of this house,

On leave given, Mr. *Elliott*, from the committee of ways and means, reported a bill making an appropriation for the relief and protection of African seamen in forced contract service. It was committed to a committee of the whole on the state of the union. Mr. *Elliott* offered the following resolution, which was adopted:

Resolved, That in addition to the information required of the secretary of state by the resolution of this house of September 3, 1841, he be required to give the exhibiting nations a statement between the affairs of other nations a duty of the United States.

A message was received from the senate, by A. Dickinson, esq. secretary, informing the house that the hon. Mr. *Dixon*, from the state of Rhode Island, had departed this life in this city on the 29th instant, and that his funeral would take place to-morrow, the 1st day of February, at 12 o'clock.

Mr. *Tillinghast* thereupon rose and addressed the house in reference to the character and services of the deceased and submitted the following resolutions, which were unanimously adopted:

Resolved, That the house has received with deep sensibility the communication from the senate announcing the death of the hon. *Nathan Folsom Dixon*, a senator from Rhode Island.

Resolved, That, in token of sincere and high respect for the memory of the deceased, this house will attend his funeral obsequies to-morrow, at the hour appointed by the senate, and will wear crepe upon the left arm as mourning for thirty days; and, as a further mark of respect,

Resolved, That the house do now adjourn.

And then the house adjourned. The members of the house attended the funeral of the hon. N. F. Dixon, late senator from Rhode Island.

WEDNESDAY, FEB. 2. Mr. *Hobersham*, of Georgia, introduced to the house the hon. M. J. Cooper and the hon. Mr. *Colquitt*, members elect from that state, and they both took their seats.

The house resumed the consideration of the question of privilege, and the first of the series of resolutions offered by Mr. *Adams* having been read.

Mr. *Gilmer* (addressing Mr. *Adams*), inquired whether, if the house adopted the resolutions, that gentleman intended to move a postponement of the question.

Mr. *Adams*. I do not admit the gentleman from Virginia to demand of me—

[Mr. *Gilmer*. I do not claim it as a right.]

Mr. *Adams*, (continuing)—of me, standing in the position of a criminal before the house, what I shall say will be heard with the same respect and regard for justice to me, by granting me evidence which I may deem indispensable to my defence. I claim no privilege of him as prosecutor, and want him to ask none of me as criminal.

Mr. *Gilmer* said he did not profess to be a prosecutor in the case; and it struck him as somewhat singular that the gentleman from Massachusetts, Mr. *Adams*, should insist on regarding himself as a criminal.

He moved that the resolution of Mr. A. be laid on the table.

Mr. *Jones*, of Maryland, moved that the whole subject be laid on the table.

Mr. *Adams* was understood to request the gentleman from Maryland, (Mr. *Jones*), to withdraw his motion to lay the whole subject on the table; and he, (Mr. A.) would say that no friend to his rights as a member of this house, no friend to the rights of the people, and the right of the whole *corpus*, which was sacred to the people of the United States—no friend to the right of trial by jury—

The speaker here interrupted Mr. A. and said that these remarks were not in order, pending the motion to lay the whole subject on the table.

Mr. *Adams* continued simply request every such person to obtain hereafter from any motion to postpone or to lay the subject on the table, or from any other thing by which a direct vote, ay or no, on the proposition of the gentleman from Kentucky, (Mr. *Marshall*), will be evaded.

Mr. *Jones*, of Maryland, briefly explained. The gentleman from Massachusetts, (Mr. *Adams*), had many times in the course of proceedings in this case, declared that he would not be responsible for the time which might be consumed therein. He, (Mr. J.) for his part, was not willing to be responsible for it, and therefore he had made the motion to lay the whole subject on the table, in order to test the sense of the house.

Mr. *Adams*. The gentleman has done me the honor to refer to a proposition which I have again and again made, to yield to any motion by which this subject should be dismissed. If the house think proper to do so, I am willing to submit. But I give notice to the house that I have done with all propositions of that kind on my part; and that I now claim the time of this nation for that defence which these gentlemen have forced upon me. I claim a decision

ay or no, upon the proposition of the gentleman from Kentucky.

And the question was taken, on the motion of Mr. *Jones*, of Maryland to lay the whole subject on the table; and it was decided in the negative by yeas 29, nays 10.

The question was then taken on the motion of Mr. *Gilmer* to lay Mr. *Adams*'s resolution on the table, and was decided in the negative: yeas 29, nays 107. So the resolution was not laid on the table.

And the question recurring on the adoption thereof.

Mr. *Pickens* desired to inquire of the gentleman from Massachusetts, (Mr. *Adams*) whether he embraced in this resolution the opinion of the attorney general of the United States in the case. If that was to be embraced, he (Mr. P.) had no objection to the adoption of the resolution.

Mr. *Adams* replied, no—because that opinion was a public document which he should use without calling for it.

Mr. *Holmes* objected to the call, because he was not willing, as a member from the state of South Carolina, and as a citizen of the confederacy, again to be the embler over which ashes were now lying. He well knew that a call of this kind, so far from harmonizing, would again produce an excitement which every citizen desirous of peace and harmony in the republic must deprecate. Still, if these papers were essential to the defence of the gentleman from Massachusetts, he (Mr. H.) would be willing to vote in favor of it. But he did not believe it to be so. The case therein referred to was one over which the union had no jurisdiction.

Mr. H. went into a brief statement of the case, and of the course which the state of South Carolina, in the mere exercise, he said, of a police regulation, had pursued in relation to it. They (Mr. H.) And now, when commerce had gone on, when the state of South Carolina had been trying to throw oil on the troubled waters, the gentleman from Massachusetts was throwing a firebrand into this house which was to create a conflagration that might engulf the republic and not only so, but he was calling upon this union to come in conflict with the states, to trample upon those rights which the states deemed most essential, and which they would not yield even if the gentleman from Massachusetts (Mr. *Adams*) should, like Samson, throw his giant strength round the pillars of the constitution, and crush the whole republic. He thought the house would not consent to information which he pledged himself would not be yielded.

Mr. *Holmes*, after expressing obligation to Mr. *Holmes* for the statement he had made, remarked that that statement was but made verbally by the gentleman from South Carolina, (Mr. *Holmes*). He, (Mr. A.) declared, as an accused person, put on his defence, that these papers were necessary for him in his defence before the house, and if the house required it, he was ready to do what was done in courts of justice in such cases—to support the declaration by oath. He did not think that the house could take the statement of the gentleman from South Carolina (Mr. *Holmes*) as one of his judges; and however unwilling he (Mr. A.) might be to raise any question as to the accuracy of that statement, yet he called for the papers themselves, for the proof.

But the gentleman had said that if the call was made, it would be denied. If it were made on the governor, he would not consent to it. Mr. A. thought it possible that it might be denied.

But the call was not made on the governor of South Carolina. It was a call on the president of the United States for papers in the department, which were essential to his (Mr. A.) defence. He therefore, hoped that the objection of the gentleman from South Carolina would not prevail, and that the house would do him the favor to let these papers, which he again declared to be essential to his clerical and perfect defence, be produced.

Mr. *Smith*, of Virginia, said that the whole question was one of evidence. It was the duty of the party to be defended to exhibit evidence, and if it was pertinent to the inquiry. Mr. S. proceeded to contend that this testimony was not relevant to the inquiry, and that the resolution ought not to be agreed to. And he asked the yeas and nays on its adoption; which were ordered.

And the question was taken on the call for the papers which the gentleman from Massachusetts had placed it; then upon these grounds every paper or document which the gentleman might choose to say was necessary to his defence, must be called for. Upon that ground alone he (Mr. P.) should vote no.

Mr. *Warren* declared that this whole proceeding, from beginning to end, in all its aspects, and under all its circumstances, had taken place against his express wish; and against his express wish it was that

he was called upon as a *trier* here. He had no disposition to defend the gentleman from Mass. as hisetics or man what a spect him (Mr. W.) or sympathizing with that gentleman. He washed his hands of the proceeding; and he gave notice that from this moment he would vote to give the gentleman from Massachusetts the amplest means for his defence, that he (Mr. W.) should vote hereafter under higher obligations than those of mere association of friends, and that he should consult only the obligations of public duty in those votes. He could not hereafter countenance the proceeding, nor vote to do it.

Mr. *Jerome* demanded the previous question to do it.

And the main question was ordered to be taken. And the question "shall the resolution be adopted?" was then taken and decided in the affirmative: yeas 107, nays 96.

Mr. *Adams*'s second resolution was then read, and by yeas 95, nays 84, was adopted.

Mr. *Adams*'s third and fourth resolutions were then read.

Mr. *Wise* then offered the following as an amendment to these resolutions:

"And that the president of the United States furnish to this house the information on the executive files, or in any of the executive departments, or wherever the same may be had and obtained, touching the charge which *John Quincy Adams* is said at one time to have preferred, to Mr. Jefferson and others, against the federalists of New England, imputing that they had designed and acted to dissolve the union of these states."

Mr. *Adams* submitted to the speaker whether any amendment was to be made to a resolution calling for information which he had declared to be necessary for his defence.

At the same time he declared that he had no objection, at any time, to the reading of the amendment, if the gentleman would offer it as a separate resolution.

The speaker declared the amendment to be out of order, as being incongruous with the resolutions, and not relevant with the information demanded by the gentleman from Massachusetts for his defence.

Mr. *Adams* then said that the speaker that there could be no doubt that congress had no right to call for a correspondence of the president before he was president of the United States; and he moved to lay the resolutions on the table.

Mr. *Adams* said that these two resolutions were most important to his defence, because they related to the establishment of the 21st rule, which was the foundation of his present grounds.

The question on the motion of Mr. *Getty* was taken, and by yeas 111, nays 64, was decided in the affirmative; and so the resolutions were laid on the table.

Mr. *Adams* said the evidence was exceedingly important, and must confess, when he saw the votes on the resolutions asking for that information, which would not be denied to the vilest villain in the land, that it bore on him in a heavy manner as to what he was to expect from the votes of the same party hereafter. He thanked again the house for allowing him a portion of that information which he had requested.

One of the grounds he should take for his own defence would be, that he had been, neither by himself nor by the petitioners whose petition he had presented, guilty of any offence against the laws of the land whatsoever; and that, so far as related to this, he was under no responsibility, having declared at the time he presented the petition, and repeating now, that their petition was the petition of his God, he did it, would ever vote to grant. And he hoped that he should be able to show that, for attachment to this union, he might put sixty or seventy years of public life before almost all mankind in proof. If there was one member of this house who had given more strong, more clear and unequivocal proofs of attachment to the union of these states than the man who now stood charged with crime before this house, he did not know who that man was. He would be allowed to prove that to this house.

He said, then, so far as respected his own act, he was under no responsibility for the petition, here, before this house, and in presence of his God, he did it, under a sense of irremissible duty. At the last session of congress he heard a great deal on the subject of what was to be allowed to the conscience of the president of the United States. He was one of those who fully appreciated the benefit of the dictates of his conscience in every thing he did, and he now remained, before this house and the country, the right to have a conscience as well as he.

He said, further, that this was no new thing to this house and this country. He had been now ten years incessantly a representative of a portion of the people of the commonwealth of Massachusetts, and while in the very first week of his holding a seat in this house, he had presented fifteen petitions for the abolition of slavery in the District of Columbia, and at

and vote with him in his conclusions, there might not be any two who would agree with him in his process of reasoning in arriving at those conclusions. While he took the responsibility of declaring that he did not regard the proposition of the gentleman from Kentucky as too harsh a censure, and while he was willing to vote for it, he must persist in saying he preferred that the vote should be taken directly upon his original proposition.

What do I ask the house to do? Not to denounce the gentleman from Massachusetts as a traitor; not to convict him of subornation of perjury, but to inflict on him the punishment which the people of this State in opinion of this house. I maintain it is a duty solemnly incumbent upon us to express a censure on his conduct, though I would do it in the mildest terms the nature of the case will justify. I insist that the act of Mr. Lincoln is a crime against the people of this State, but that it is an act imperatively due to ourselves and to the American people, in vindication of this house and of them. It is as much an act of self-vindication as it is a censure on the gentleman from Massachusetts. What punishment do you think it proper to ask? An expression of opinion. And of what opinion? That the gentleman, in presenting a petition praying for a dissolution of the union, has justly incurred the censure of this house. And has he done so individually and collectively, or has he done so individually and collectively; and I will, before I have done, make that appeal to the gentleman himself, and the only witness I will ask shall be that gentleman himself, and his action on this occasion. The resolution of this house is to censure him for the crime of treason and penalties other than such as may ensue from the power of public opinion. And we are to hold that it is not constitutional for the house to express such an opinion—to censure him or to punish him, if necessary, by the words of the constitution itself on this subject.

"Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

Here we find that not only the power to express opinion, but the power of punishment, is vested in this house under the constitution. So that, had my resolution asked the house to inflict on him a signal reprimand, or to suspend him for a long period, the limits of our constitutional authority would have felt warranted in going much further; but I preferred putting the resolution in the very simplest form necessary to the house's vindication of itself from reproach, and the preservation of its constitution both on this head and the nation at large. Now, from motives of patriotism, the gentleman is constrained to disclaim any concurrence in the object prayed for, by what motives of patriotism was he actuated in agitating this house by such a resolution? Is it proper for him to say that would have been comparatively a trifling matter; but in agitating this entire nation, to its very centre? I do maintain that the rejection of such a resolution, after such an act, will involve—will not say a reproach on this house, but a decided censure on the gentleman; and, further, that it will impair and weaken the powers of the house itself. The time may come when the exercise of the powers which this house, by such an act, will virtually discard, may be necessary to the preservation of its privileges not only, but of our American union.

Is precluded wanting? I call the house to the proceedings in the case of John Smith, a senator, once charged with a participation in Burr's conspiracy; an occasion on which the gentleman from Massachusetts was himself in the very situation on which he now complains, and in which the posture of this house in his own case—that of prosecutor, judge, juror and executioner—all that the gentleman himself then was, as a member of the United States senate, acting on the case of John Smith. Let me read from a report drawn up by him as chairman of a committee to whom the subject was referred. "The committee are of opinion that the propriety of the course in which it was maintained that the forms of judicial proceedings by the courts of justice did not interfere with the censorial authority of the senate over its own members, and that the power to punish, by expulsion or otherwise, must be discretionary in the senate, and its exercise must, of course, be subject to the summary and then the tardy process of the judicial tribunals."

At this point Mr. Gilmer yielded for a motion, by Mr. Mallory, to adjourn; which motion prevailing, the house adjourned.

THURSDAY, FEB. 3. Mr. Gilmer continued his speech against Mr. Adams, and urged the adoption of his original resolution of censure. He offered in the first instance to withdraw it, if Mr. Adams would withdraw the petition. Mr. Adams declined so doing. Mr. G. having concluded his speech.

Mr. Adams commenced his defence and endeavored to show that there was a conspiracy to remove him from the chair of the committee of ways and means, and indicated Mr. G. as having tampered with Mr. Cushing for that purpose. This was denied by both Mr. C. and Mr. G. At a late hour, the house adjourned.

FRIDAY, FEB. 4. Mr. Adams resumed his defence and having again alluded to the conspiracy against himself.

Mr. Rhett announced that it was himself who had conversed with Mr. Cushing on the subject of his Mr. Cushing's becoming chairman of the committee, in case Mr. Gilmer's motion should eventuate in the election of a new chairman.

Mr. Adams then continued his defence at large.—
At a late hour the house adjourned.

SATURDAY, FEB. 5. Mr. Adams continued his defence, until on motion the house adjourned.

MONDAY, FEB. 7. The house resumed the consideration of the resolution of Mr. Gilmer, proposing a censure on Mr. Adams, for the presentation of a petition praying for a dissolution of the union, together with the amendment of Mr. Marshall thereto, and the substitute amendment of Mr. Summers for both the said propositions.

Mr. *Jones* said that, during the course of the day on Saturday, he thought he perceived an impatience prevailing in the house to get rid of this subject. Mr. A. had been charged by the gentleman from Kentucky (Mr. *Marshall*) who had introduced one of the resolutions against him, with having consumed an unreasonable time in his defence thus far. It appeared to that gentleman that a consumption of six days by a man in Mr. A's situation was an extravagant use of time, although a portion of that space of time had been consumed by the gentleman himself in his occupation, as well as a considerable portion of it by another member. Warren Hastings had occupied seven years in the trial of a charge not more heinous in its nature.

Mr. A. wished to retain the claim he had all along insisted on, to be free from responsibility for the time consumed. He had repeatedly offered to let the proceeding be brought to a close without even that defence which the house had insisted on requiring of him, and which he had partly made.

He wished now to say that if any of his accusers on this occasion were now willing that the whole question should be laid upon the table, Mr. A. was ready to assent to such a motion. He had a great deal of time still to require, if he should be forced to go on with his defence. He had laid out the platform which he proposed that defence to occupy, and had informed the house of all that it would be necessary for him to prove. But he was willing to forego it all, and dismiss the subject forever from the house, and, if possible, from the country, if that could by possibility be done without a sacrifice of his own rights and those of his constituents, and of the just defence of his own character.

He would do one thing further. The gentleman from Kentucky (Mr. Marshall) had offered him his forgiveness for what he considered as injurious to the cause of the Union. He would not accept of that forgiveness in the present stage of the proceeding; but, if the house would agree to dismiss the subject without injury to Mr. A.'s character and without any reflection on the gentleman from Kentucky, (Mr. Marshall), to the gentleman from Accomac, (Mr. Wise), and to the gentleman from Albemarle, (Mr. Gilmer), that he was ready to accept of that forgiveness, and to have the gentleman from Kentucky (Mr. Marshall) to testify for that, had he been asked to do so. He wished, however, to understand that he did not say this from any wish to shrink from the further prosecution of the defence of his character, or from the time and trouble it would cost him, but that he was ready to lay the subject on the table that it should never be taken up again. He was willing to acquiesce in such an arrangement. If the house was ready to do so, he would be glad to acquiesce. If the house should assent to the proposition of the gentleman from Virginia (Mr. Sumners) to refer the entire subject to a select committee, where Mr. A. would have the opportunity further to defend himself and his constituents.

Mr. *Botts* said that if he were to consult his own inclinations, he should prefer that a direct vote should be taken on the proposition of the gentleman from Kentucky, (Mr. *Marshall*). He (Mr. *B.*) presumed that every member had made up his mind on the subject; and the house and the country were exceedingly anxious to get rid of it. He would therefore move, against his own will, however, that the whole subject be laid on the table; that, in the language of the gentleman from Massachusetts, (Mr. *Adams*), it might be laid there forever.

The yeas and nays were asked and ordered; and, being taken, were as follows.

VYAS—Barnes, Allen, S. J. Andrews, Arnold, Aycock, B. Baird, Bartlett, Barlow, Barstow, Barron, Bassett, Bess, Bissell, Briggs, Brockway, Buck, C. C. Callahan, Cassin, Caylor, Chaffin, Child, Clark, Clendenen, Coffey, Collins, Colwell, Conner, Cook, Cooper, Corcoran, Cowan, Craven, Crawford, Crane, Cushing, Gage, Galbreath, Galloway, Gardner, Gay, George, Gibson, Gilchrist, Gilman, Gillingham, Girty, D. D. Glavin, Glenn, Glick, Goff, Goetz, Gorman, Goss, Granger, Gregory, Grey, Griffith, Groves, Guernsey, Guy, Haggerty, Dade, John Edwards, Everett, Foster, Friesendenz, Fluitt, John G. Floyd, A. Lawrence Foster, Gamble, Gates, Goldings, Goggin, Patrick G. Goode, Granger, Grant, Green, Greer, Griener, Griggs, Grimes, Grinnard, Grosvenor, Grover, Hadson, Hudson, James Irvin, William W. Irwin, James Isaac D. Jones, John P. Kennedy, Lane, Lawrence, Linn, Simpson Mason, Mathot, Mattocks, Maxwell, May, McCall, McGee, McKim, Merriam, Morris, Moseley, Munter, Partridge, Pearce, Pendleton, Poppe, Powell, Ramsey, Benjamin Randall, Alexander Randall, Randolph, Ridgway, Rodney, Roosevelt, William Russell, James S. Russell, Saltonstall, Sieperth, Smootson, Spaulding, Spence, Starnes, Stearns, Stephens, Alexander H. H. Stuart, J. T. Stuart, Summers, Talaford, Thaddeus Thompson, K. W. Thompson, Tilghnast, Toland, Tomlinson, Van Rensselaer, Warren, Washington, Whipple, Winthrop, York, Augustus Young, John Young—106.

NAYS—Messrs. Landaff, W. Andrews, Thorton, Bebbcock, Beeson, Bidlack, Bowne, Boyd, Aaron V. Brown, Milton Brown, Charles Brown, Burke, Williams, Calkins, Campbell, Calkins, Caldwell, John Campbell, Wm. B. Campbell, Caruthers, Cary, Chapman, Clifford, Clinton, Colmut, Cross, Daniel, Richard D. Davis, Dawson, Dean, Dean, Eastman, Egan, Edwards, Elmer, Evans, Felt, Foster, George H. Fox, Francis, Thomas F. Foster, Genney, Gerry, Gentry, Gordon, Graham, Gustine, Gwin, Halershim, Harris, John Hastings, Hopkins, Houck, Houston, J. Hubert, Hunter, James, Johnson, Joseph, Keith, Ketchum, Kilgus, Robert McCallan, Malkoy, Marchand, A. Marshall, T. F. Marshall, John Thompson Masson, Matthews, Medall, Miller, Moore, Newland, Owensley, Payne, Puckens, R. S. Reed, Reynolds, Richardson, Robinson, Ross, Rowland, Saunders, Shaw, Shelds, William Swan, Snyder, Steedror, Sumter, Sweney, Jacob Thompson, Triplett, Turney, Ward, Watson, Westbrook, Jas. W. Willard.

So the whole subject was laid on the table.

The question recurred on the motion to reconsider the vote by which the question of the reception of the petition had been laid on the table—and "shall the motion be reconsidered" was decided in the affirmative, yeas 144, nays 52.

Mr. *Merrillweather* then withdrew his motion to lay the question of reception on the table and demanded the previous question on the reception of the petition itself.

YEAS—Messrs. Adams, Allen, Sherlock J. Andrews, Arnold, Ayer, Babcock, Barnard, Birdseye, Boies, Burcell, Calhoun, Childs, Chittenden, J. C. Clark, J. Cooper, Cranston, Cravens, R. D. Davis, Everett, Fessenden, John G. Floyd, A. L. Foster, Gates, Giddings, Granger, Halsted, W. S. Hastings, Howard, James, Linn, Maynard, Morrow, Benj. Randall, Salmon, Shade, Stratton, Thilaghaast, Toland, Winthrop, John Youngs—40.

[illegible]

Mr. Adams stated that he had in his possession two other petitions of the same effect as that just disposed of—one from New York and the other from Pennsylvania; which (after a brief conversation) Mr. A. said he would not, in the present disposition of the house, offer, but that he would reserve them to a future period.

The call for petitions was continued until the house adjourned.

adjourned.

Judge Upshur was the intimate friend of the author of a novel called the "Parizian Leader" the object of which was to promote disunion, and that he (Upshur) approved

Debt. By official accounts it appears that the debt of this commonwealth is \$6,988,268. It is proposed to create a sinking fund for its payment, by an annual capital

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CONTENTS OF NO. 25, VOL. 11.
REPORT OF N. YORK WITH VIRGINIA AND S. CAROLINA.—Message of the governor of New York.
BATTLE OF NEW ORLEANS.
DEBATE IN H. R. on Feb. 3d & 4th, on resolution to censure of Mr. Adams.
PERSONAL PROCEEDINGS.
CHRONICLE.

RELATIONS OF NEW YORK WITH VIRGINIA AND SOUTH CAROLINA.

Extract from the message of Lt. gov. J. Rutherford, transmitted to the legislature of Virginia at the commencement of its present session.

I have received, and submit herewith, copies of resolutions of the legislatures of several of our sister states, which have been communicated to this department.

Of the state of Maine, on the re-eligibility of the president of the United States.

Of Connecticut, on Rhode Island, on the same subject, and on the revenue laws of the U. States.

Of Massachusetts on the same subject, and concerning the northeastern boundary, and the public lands of the United States.

Of New York on the death of the late president of the United States.

And of Missouri, Delaware and Maryland, on the existing controversy between this state and the state of New York.

And a copy of an act of the legislature of Maryland entitled "an act for the completion of the Chesapeake and Ohio canal to Cumberland."

I regret that nothing has transpired since the last session of the legislature, to encourage the belief that the unpleasant controversy so long depending between this state and the state of New York will be satisfactory adjusted. I submit herewith the correspondence between the executive authorities of the two states, heretofore communicated. It will display, it is believed, on the part of the executive of this commonwealth, an anxious desire to maintain unimpaired the most friendly relations with a state to which we have ever been bound by the ties of affection and interest. With a devoted loyalty to the union, we have manifested patience, forbearance and courtesy, earnestly hoping it possible to obviate the necessity of resorting to any measure of defence. Our just claim upon that state, under the solemn covenant of the constitution, and our reiterated appeals to her reason and justice have as yet been unavailing. The course of the executive has been fully sustained by her legislature, and under circumstances which aggravate the injuries we have received. I sincerely trust it may be possible for other counsels to prevail, and that a returning sense of justice will result in the recognition of our right and the perpetuation of the harmony, which, if not actually interrupted, is at least most seriously threatened.

Under present circumstances, the commonwealth owes it to herself to divide and to execute firmly proper measures to guard the rights and property of her citizens. If in the discharge of this duty, imposed by the most solemn considerations, unkind feelings or unpleasant conditions should unhappily arise, the responsibility must rest with those who have left us no alternative. A due regard for the peace of the union, and an anxious desire to remove as far as practicable, all cause of irritation, will no doubt dictate a sort of measure purely protective. With this view the inspection law of the last legislature was adopted; and the remote period to which its execution was deferred, rendered the evidence of the patient and forbearance of Virginia. As however, the first day of May next is the specified time when its provisions will become operative, unless the course of N. York shall in the mean time render it unnecessary, I respectfully recommend its careful revision and the adoption of such amendments as the patient and forbearance suggest, more effectually to accomplish its objects. The correspondence herewith submitted, so fully explains the views and course of the executive authorities of the two states, that I forbear further reference to the subject.

I cannot omit to notice here the undying perseverance with which a wild and blind fanaticism is urging on the consideration of congress, a subject of vital importance to the peace and tranquillity of the union. Year after year the tables of congress have been

loaded with petitions for the abolition of slavery in the District of Columbia. This fanatical spirit rests not, tires not—and pursues its purpose with a zeal which, if not checked, may lead to consequences deeply to be deprecated. Its influence is already sufficient to cause it to be courted by those who are candidates for the popular favor in the north, and it too frequently ways, if it does not control their public action.— Its power is rendered manifest by the legislation of some of the states, indicating a policy not only to emancipate our slaves, but to take them forcibly from the possession of their masters against the consent of the slaves themselves. The result of the atrocious and horrible abduction of slaves from their masters cannot have escaped public observation.— These indications portending much future mischief, should deeply impress us with the importance of preparing for the crisis with which we are threatened. A successful interference with the rights of the whites in the District of Columbia, would be but the prelude to a similar effort in the sister states.— We should resist every such attempt as we would an invasion of our fire sides and altars. It is time that an issue be made with those who, reckless of consequences would dissolve this happy confederacy, tillerwise bound together in peace and friendship. It is the duty of peace and friendship. It is the duty of the peace and friendship of the public peace should be fully apprised of the consequences which must inevitably result from the accomplishment of their rash designs. It is due to the enlightened and patriotic portion of our fellow citizens of the north, who disapprove the mad schemes in agitation among them, and who place a proper estimate upon the value of the union. It is due to Virginia herself, plainly, unequivocally, and without delay, to announce to congress and to the members of the confederacy—not in a spirit of menace, but with a deep sense of the painful consequences which may ensue—that she cannot submit to the interference from any quarter of the slave trade. The deep importance of the subject entitles it to the serious consideration and to the prompt and decisive action of the general assembly.

JOHN RUTHERFORD.

Extract from the message of governor Seward transmitted to the legislature of New York at the opening of its present session.

I lay before you a law of Virginia, calculated to embarrass our commerce. The effect of the act is postponed until May next, and the governor is authorized further to suspend it whenever the executive authority of this state shall surrender three persons heretofore demanded by the Lieutenant Governor of that commonwealth as fugitives from justice, and the legislature shall repeal the law extending the trial by jury. I have respectfully informed the authorities of Virginia that my convictions of the illegality of that requisition are unchanged, and that although New York, from motives of self respect and devotion to the union, will not retaliate, nor even respond to the requisition, she will not permit a respondent, since Virginia has seen fit to transcend the sphere assigned her by the federal constitution, and to pass an aggressive law; but that this state will cheerfully return to a discussion of the subject, with a sincere desire to arrive at a conclusion mutually satisfactory and conducive to the maintenance of the union. However the effect of that unfortunate statute shall be removed by the action of our sister state, or by an overruling action of the supreme court of the United States.

The legislature will decide whether the trial by jury shall be relinquished, and whether a state which assigns her to the founders of the constitution, and no political inequality which may not ultimately be removed, shall wrest that precious shield from those only, whose freedom is assailed, not from any wrong doing of their own, but because the greatest of all crimes was committed against their ancestors. Taught as we have been by the founders of the constitution, and most emphatically by the statesmen of Virginia, we cannot renounce the principle, that all men are born free and equal, nor any of its legitimate consequences. But we can, nevertheless, give to Virginia and to the whole American family, pledges of peace, affection and fidelity to the union, by the adoption of a policy, and by waiting, until returning magnanimity of a state whose early and self-sacrificing vindication of the rights of man has entitled her to enduring veneration and gratitude.

I submit also, for your information, a correspondence between the governor of Georgia and myself, which my respected contemporary has made a subject of some moment in communications to the legislature of that state.

MESSAGE OF THE GOVERNOR OF N. YORK.

Executive chamber, Albany, Feb. 11, 1842.

To the legislature:
 In my annual message I informed the legislature that the state of Virginia had adopted a law calculated to embarrass our commerce, and which would go into effect on the first day of May next, unless this state should see fit to comply with any certain requirements made by our sister state.

It is now my duty to announce that the general assembly of South Carolina on the seventh day of December, one thousand eight hundred and forty-one, enacted a law declaring that it shall not be lawful for any vessel of any size or description, owned in whole or in part, or commanded or navigated by any other person than any citizen or resident of the state of New York, or any such vessel, owned in whole or in part, by an actual inhabitant and resident of South Carolina, and departing from any port in that commonwealth to any port in New York to leave the waters of South Carolina until the commandant of such vessel shall have submitted to search, and have complied with restrictions similar to those attempted to be imposed upon our vessels found in Virginia by the law of that state.

I submit a copy of the act of South Carolina, by which it will be seen that the law will take effect on the first of May next, but that the governor is authorized to suspend its operation on being officially informed that the executive of New York has consented to comply with the demand of the state of Virginia, hitherto disallowed, for a surrender of certain persons as fugitives from justice, and that the legislature of this state has repealed the act of 1840, extending the right of trial by jury.

We are indebted to the courtesy of the general assembly of South Carolina, for a report and resolutions setting forth the grounds of their very extraordinary proceeding. Since that proceeding contemplates certain specified action by the executive as well as by the legislature of this state, as a condition upon which the citizens of this state shall heretofore been unmolested in South Carolina, rights and immunities guaranteed to them by the constitution of the United States, I have respectfully communicated to the governor of South Carolina my decision upon the proposition thus submitted to me. That decision is in maintenance of the grounds heretofore assumed in my correspondence with the authorities of the state of Virginia.

The general assembly of South Carolina pronounces our law extending the right of trial by jury, an act which is the most abhorring and dangerous form in which fanaticism or folly has made its assaults on an ancient domestic institution, cherished in the hearts of the people of the south; and they very clearly and fully set forth the reasons for this opinion. I submit them in full confidence that they will receive that early and deliberate consideration which is due to them, and only from the magnitude of the subject and the shortness of the time which is to elapse before the rigorous measures of Virginia and South Carolina will take effect, but also from the respect toward South Carolina, which, I am sure, is entertained by the people of this state. My own views of the law in question, differing essentially from those presented to me, and only now submitted, have already been made known to the legislature.

WILLIAM H. SEWARD.

Executive department, Feb. 10, 1842.

Sir: I have had the honor to receive your communication of December last, transmitting to me a copy of a law passed by the general assembly of South Carolina, entitled "an act to prevent the escape of New York from carrying slaves or persons held in service out of this state, and to prevent the escape of persons charged with the commission of any crime." The communication is accompanied by a pertinent report and by resolutions of the general assembly, explaining the reasons of the law, and the citizens of the act declares that it shall take effect from and after the first day of May next, and that the governor is authorized to suspend its operations, upon being officially informed that the executive of New

York has bona fide consented to comply with a demand heretofore made by the authorities of Virginia for the surrender of Peter Johnson, Edward Smith, and Isaac Gansey as fugitives from justice; and that the Legislature of the Union, to make known to your excellency as I have uniformly and on all proper occasions informed the state of Virginia, that the executive of this state declined to comply with the requisition of the executive of Virginia, referred to in the act of South Carolina, upon the grounds that said act was declared by the Congress of the United States in the constitution of the United States, or in the laws and customs of this state, and that nothing has occurred since the decision was made to change the convictions then entertained.

It seems my duty, therefore, with the frankness of communication which ought to prevail between the sister states of the Union, to make known to your excellency as I have uniformly and on all proper occasions informed the state of Virginia, that the executive of this state declined to comply with the requisition of the executive of Virginia, referred to in the act of South Carolina, upon the grounds that said act was declared by the Congress of the United States in the constitution of the United States, or in the laws and customs of this state, and that nothing has occurred since the decision was made to change the convictions then entertained.

Whether the law of this state extending the trial by jury be unequal and unjust, or injurious to the state of South Carolina, or to any other state, is a question which properly belongs to the legislative representatives of the people, and has been commended to their respectful consideration. It also belongs to them to consider, at least in the first instance, whether the measure which the Senate of South Carolina has adopted calls for any action on the part of this state.

I have, therefore, very cheerfully complied with your excellency's request by submitting to the legislature the papers you have transmitted. I remain with very high consideration, your most obedient servant.

WILLIAM H. SEWARD.
His excellency, John P. Richardson, gov. of S. Carolina.

FACTS OF THE BATTLE OF N. ORLEANS.

Major Daveaze, a brother-in-law of the late Edward Livingston, and who served as aid to General Jackson at the battle of New Orleans, and was for nine years at the Hague in the service of the general government, from which he returned upwards of two years ago, introduced on the 8th of January to the consideration of the New York legislature of which he is now a member, the following resolution and preamble.

Whereas, the salutary energy of General Jackson at New Orleans, during the campaign of 1814 and 1815, have repeatedly received the approbation of the American people,—

And whereas, congress, on the 25th day of February 1815, voted thanks to that illustrious citizen for his gallantry and good conduct at New Orleans, and conferred a gold medal to be struck and presented to him, in testimony of the high sense entertained by congress of events so memorable and services so eminent—

Resolved therefore (the senate concurring) that our senators and representatives in congress, be earnestly requested to use their best efforts to procure the passage of a law directing that the fine of one thousand dollars imposed on General Jackson, by Dominick A. Hall, then judge of the United States for the district of Louisiana, for an alleged contempt of his authority, and by him paid into the hands of the marshal said district, be refunded to Andrew Jackson, with costs and interest on the same, from the day of the payment thereof.

On February 1st its consideration being the order of the day, Mr. Daveaze arose and, as reported in the Albany Argus, said he should have permitted this resolution which had lain so long, to have passed at once to a vote without further remark from him; had he not felt under a moral obligation to prevent, on one former occasion, to explain the story of the "cotton bags," with a view to correct an error that had become prevalent, and had even crept into the history of the memorable campaign of New Orleans. It was not true that our army was sheltered by cotton bags, and even if it were, the fact could reflect no dishonor on the great commander in that campaign, in view of the overwhelming superiority in point of numbers and discipline, of the enemy he was called to deal with. But it was not true, and it was proper that the facts should be known, be the effect what it might.

The commanding general had taken the precaution— for he omitted no precaution which might contribute to the safety of the army— to prevent the boats from floating down, and thus falling into the enemy's hands, being determined, if they crossed the river, they should do it in their own boats. On the 26th Dec., a flat-boat was seen floating down the river, with no one on board, having evidently parted from its moorings at the wharf. Cotton was distributed there, and no one commanding a prize that was wanted its transportation and storage, and such as arrived was left in the boats. On board this boat

was twenty-nine bales. General Jackson immediately ordered it to be towed ashore, to prevent it from drifting into the enemy's camp. The bales were rolled on shore, within our lines, but some thirty yards from the bastion, and in the rain and snow during the battle, and there they remained on the 8th of January, and were seen by the six hundred British prisoners, taken in the redoubt on our left, who, as some solace in their captivity, raised the story of our fighting behind cotton bags! But our ramparts were not made of cotton, and were not formed of bales, but because there were behind them that which was more solid than brass— more impervious than the diamond—the indomitable breasts of freemen, led by the old hero. This was the wall against which the pride of Britain rolled like the maddened waves stricken by a rock planted in the ocean, and sternly sunk into the bottom, and in the rain and snow during the battle, and there they remained on the 8th of January, and were seen by the six hundred British prisoners, taken in the redoubt on our left, who, as some solace in their captivity, raised the story of our fighting behind cotton bags!

A single fact, would suffice to show the height of this boasted bastion of soil, which British captives and British writers had transformed into a barricade of cotton bales. When Pakenham fell within three hundred yards of it, the horse he mounted, of high price, was killed, and the rider, with a shattered and frightened and ran directly towards our lines, and with a single leap, cleared the ditch and bastion, and became a captive too! The noble animal was brought, yet quivering in his fright, and presented as *spolia opima* to the commanding general.

This was one of the incidents of this great battle, and which we had deemed preferable to leave the question to the horse to deal with, as he had no doubt they would, by offering this tardy tribute of justice to patriotism and valor. Of the four chief officers in command of the British army on the 8th, two were killed on the field, and one was sent to the fleet severely wounded. Gen. Lambert was the only officer who escaped, and he was not engaged on that day. Gen. Keen, the wounded officer, when carried off the field, left his sword, and it was picked up by the brave Tennesseans who were scouring the field in search of muskets, and brought to General Jackson. We said then, not only the horse of the British general— but the sword of the general in command, and it was of great beauty and value. When Gen. Keen recovered his senses, his first thought was of his sword. Dennis Prieur, who had been taken prisoner in the battle of the night of the 23d— and well known since as mayor of the city and collector of the port, of New Orleans, was the victim of that persecuting spirit, that was sent out of court by the same elections, one way— had been paroled, and was the bearer of a letter to General Jackson, in which he requested him to return his sword, saying that it was the treasured gift of a friend, and barking the request by an appeal to those high and chivalrous feelings which we well know animated the American soldier. Nor did he appeal in vain. "Go," said Gen. Jackson to Mr. Livingston, "deliver this sword to Gen. Keen. God forbid that I should separate the weapon from him to whom his dying friend bequeathed it."

Mr. D. closed with the remark, that he awaited the action of the house upon this proposition, he could not say without anxiety, but without fear. It was true that Ohio, treading fast in the steps of New York, in population and wealth, and in indomitable patriotism, had stolen a march upon us. But he trusted that New York, the first to start in this movement, would not hesitate to respond, with her potency of love, to the voice of her western comrade.

The proposition of Mr. Daveaze was then moved to a letter addressed by General Jackson to Mr. Daveaze, and which having fallen into his (Mr. O'S.) possession, he had with difficulty obtained the reluctant consent of his colleague to read it in a few passages, in illustration of the feeling with which he would be glad to honor himself in speaking on this question. The extracts, as they stood, were very brief, and he only regretted that from the confidential character of portions of it, he could not read the whole. It was addressed to Major Daveaze upwards of two years ago, immediately on his return from that foreign mission in which it is well known he so bravely and efficiently served the honor of his country.

Mr. O'S. then proceeded to read:
"My health is much impaired; and I am for the most part of my time confined to my room, seldom able to visit my friends, and write with difficulty. I am trying to put my house in order to meet that call, which must soon come, to that other and better world from which no traveller returns. In doing this I pass my time in the study of the affairs of the world, but little to regret—and much to remember with satisfaction; and particularly all my acts and doings in the successful defence of N. Orleans my conscience fully approves. Still no one has ever brought to the view of congress the iniquity and injustice of the \$1,000 fine which has been imposed upon me, and which has deprived me of my constitutional right of being heard in my own defence—and this for an act justifi-

ed by the necessity of the case, and the only means by which the city of New Orleans, with all its 'Booby and Beauty,' could have been successfully defended. All most now acknowledge and do acknowledge this— that only by my order, clearing our lines, could the city have been saved. Without this, we might have gallantly sacrificed our lives, but lost our country, and the city must have been yielded to the brutality of an infuriated invading soldiery. It was for this act, and for enforcing it until the country was saved, that I was ordered to be tried, and the record of which still remains an imputation on my memory."

"Congress is the only body whose action could wipe this stain from my memory, by a joint resolution, ordering the fine, with costs and interest, to be refunded, it having been so unjustly, so unrighteously imposed, and without my being heard in my own defence— that only by my order, clearing our lines, could the city have been saved. Without this, we might have gallantly sacrificed our lives, but lost our country, and the city must have been yielded to the brutality of an infuriated invading soldiery. It was for this act, and for enforcing it until the country was saved, that I was ordered to be tried, and the record of which still remains an imputation on my memory."

"But be it so. I go hence with a clear conscience, that I did my duty faithfully; and although this act of justice has been withheld, still my continued prayers will be for my country's safety and prosperity; and that, if war should again come, the safety of a great city may not be imperiled from this precedent, which, starting the commanding officer in the face, may prevent him from assuming the responsibility with which alone it may be secured. For you must well know and remember, that it was martial law alone by which we were able successfully to defend the city; and that Judge Hall, who afterwards imposed that fine upon me, when the order was first read, exclaimed with uplifted hands, 'that by this the city might be saved, without it, it was lost.'"

"To you, my friend, for the first time have I unfolded my feelings, determined, if my country would not voluntarily do me this justice, I would pass to my grave in silence and without murmur. But this is perhaps the last letter I may write you, I could not refrain from expressing to you my feelings on a review of our privations and dangers together before New Orleans."

Mr. Hoffman repelled the right of any man to drag the name of General Jackson into controversy connected with the freedom of the gentleman in doing it. He considered the debt as having been long ago refunded by the American people and hoped the act would remain untouched as a lesson of the supremacy of the civil over the military power.

Mr. Simmons in the course of his speech, went into a minute review of the epoch in question—as he would it. He then proceeded to present the subject chiefly with a view to present the facts in the order of time. The first intelligence at New Orleans of the signing of the treaty of Ghent, he said, was communicated to Gen. Jackson, by Admiral Cochrane, on the 21st January, 1815. The next day, news was received at New Orleans from Charleston, of the ratification of the treaty by the prince regent—and on the 14th February, of the arrival of the treaty at Washington, but not of its confirmation. It was on the 28th February, he said, that Gen. Jackson issued the order banishing beyond Baton Rouge, the French residents, not naturalized at New Orleans—under the impression, which he said, was afterwards proved to be somewhat dangerous, and inclined to favor the enemy. It was after this, on the 3rd March, that a member of the Louisiana legislature (Mr. Levellier) ventured to complain of this sentence of banishment, through the Louisiana Gazette, and to indulge in perhaps severe expressions on the case, and the order, which Mr. Jackson had not pretended to justify. It was on the next day that Gen. Jackson caused to be published the second section of the articles of war, which denounced the penalty of death against foreign spies, and it was by virtue of that section, published on the 4th, that Mr. Levellier was on the 5th of March, arrested, and committed to the State Prison. Mr. S. went on to state the application to Judge Hall, by Mr. Morrill, (who Mr. S. said was attorney general or district attorney) for a habeas corpus in favor of Mr. Levellier—the issuing of the writ by Judge Hall—the arrest and imprisonment of Judge Hall, by order of Gen. Jackson (under a writ of habeas corpus, issued by the Louisiana court, on a charge of exciting mutiny—that this was on the 5th March—and that at this time news of peace had reached New Orleans from Washington, though, owing to the wrong papers having been sent by the special messenger from the war department, there was no official intelligence— that application was made to Judge Lewis, a state judge, by Mr. Morrill, for a habeas corpus in favor of Judge Hall,

but that martial law being still continued in force, both the state judge and the U. S. attorney were arrested and imprisoned, by order of Gen. Jackson.

Mr. Daveaze denied that Mr. Morrill was U. S. attorney or district attorney, or that the gentleman was connected in regard to either facts stated—and advised him to adhere to the book—Judge Martin's book.

Mr. Simmons would not assert that the order was fully executed, but an order was made to the effect stated—at all events, Judge Hall was not delivered up on the habeas corpus.

Mr. Daveaze was understood to deny that any such order was issued.

Mr. Simmons went on to say that matters were prevented from coming to extremities solely by the influence of Edward Livingston, who, he added, appeared before the court martial and satisfied them that they had no jurisdiction to do so in the case—that Gen. Jackson was dissatisfied with the decision of the court martial, and banished Mr. Lewell into the country, as well as Judge Hull—that on the 13th March, a peremptory order was received from President Madison by express, for a declaration of martial law, and for ratifications, and a proclamation of amnesty for all offences.

Mr. Simmons said he was one of those that never had any doubt of the right of the commander-in-chief, to proclaim and enforce martial law at New Orleans, or of the necessity of it. For that, he said, he acted as he believed that it was by that means that the city probably was saved. At the same time, moderation was to be exercised in all things; and it would seem, even if Gen. J. was justified in continuing martial law two months after the treaty of peace was signed, still that he might have acted along without imposing the high judicial officers. That was what he could not vote to approve, but what he would vote to excuse. Mr. S. took the occasion here to enter his solemn protest against the propriety of the proceedings of Judge Hall against Gen. J.—and his repugnance to that doctrine of constructive contempt and non-resistance to the military power, which he had in his own case, a complainant before himself. He should have supposed that delicacy, at least, would have prevented that. Still there was nothing strictly illegal in it, so he admitted at the time—and instead of Gen. J. having no opportunity to defend himself, the result was that he was all over with now. It was enough that it was strictly conformable to the technical rules of law. Hence he thought the house should pause before adopting the resolution, as it could not do so without justifying an American general in trampling on the civil tribunals, two months after the treaty of peace, and imposing a judge on him which he regarded as directly in the face of the constitutional provision that the military shall be subject to the civil courts. If it was necessary however to do more than make a man president two or three times, and to excuse him for what he did on the occasion referred to, he went for that—but he could not go further.

Mr. Daveaze combated an idea thrown out in the course of the debate that it was now too late to act in this matter—because, to use that gentleman's language, it was all over with. He asked (with a rapidity and energy of manner that defies the power of the stenographer to record) allowing the gentleman to say that the late Mr. Marillon, after a period of half a century had elapsed, if it was then deemed too late to collect and bury in a common tomb all that remained of the brave men who fought and bled for their country on that sacred spot. And turning to our own history, Mr. D. asked, if it was too late to erect a monument to the heroic commission, which resulted in exhuming the sacred relics of Montgomery from an unhonored sepulchre in the very bastion where he fell, in a hostile land, and transferring them with imposing and solemn pageantry, to their final resting place in the state? No, said he, it is always opportunity for a man to do a nation to do a thing. Was it too late to erect a monument for a nation to do a thing? Was it too late, when in 1841, the congress of this union, passed a law directing the return to his heirs as a fine imposed on Matthew Lyon, by high judicial authority—higher even than that of Dominic A. Hall—for it was a judge of the supreme court—was it too late, he repeated, for the congress of the United States, twenty years after that time, was imposed under the inquisitorial edition law, to cause it to be refunded with interest to the heirs of the once Irish democrat? No! It was not too late—the law for repairing that injury—an injury that became enhanced in degree with time, for it was not every day that a man's heart with proud exultation. And yet that he was kept longer from the heirs of Matthew Lyon, than this \$1,000 from Gen. Jackson.

Mr. D. here turned to Mr. Simmons' narrative of facts—saying that the gentleman was mistaken in

almost every thing he had undertaken to state—probably from the fact that he had consulted almost entirely that most contemptible work—that book-making compilation, written with scissors by Judge Martin, and beaten throughout the impress of that vindictiveness which might have been looked for in one who, belonging to the judiciary, volunteered in its defence. Mr. D. said he was himself an historian of that epoch. He considered his oral testimony as strong as the written testimony of Judge Martin. Mr. D. denied that Mr. Morrill was attorney at law in General Jackson's army—but a lawyer who shouldered his musket and was at the lines with the rest. Mr. D. denied that Mr. Livingston appeared before a court martial in opposition to any proceeding there analogous to a case of slander. Mr. D. was himself Judge Advocate of the army. Mr. D. said to General Jackson, and he said that no man said to General Jackson, and he said that no man was ever brought before a court martial for slander. He stated further, as a set off to all that had been said and written of the imputed rashness of the commanding general, that although several persons were found guilty and sentenced by the court martial, not one was executed. He held that General Jackson continued a moment longer than was necessary and justifiable, the sway of martial law. He denied that at the time alluded to official intelligence had been received at New Orleans of the ratification of the treaty by Great Britain or the United States—or information of any kind that would have warranted a general retreat, still in the presence of the enemy, in relaxing his vigilance or means of defence. It was true that Mr. Livingston, on his return from the fleet whither he had been sent as the bearer of the sword, which he had given the history that morning, did bring a letter from Admiral Boscawen, announcing the signing of the treaty at Ghent; but it did not contain anything even semi official as to the ratifications having been exchanged, had reached the commanding general.

So also in regard to the order banishing, as the gentleman had termed it, certain aliens, he was obliged to assume the duty of the historian. That order was not issued in consequence of any mere newspaper publication, but of the attempts of the French consul to seduce from our ranks the Frenchmen, not naturalized, who had taken up the musket simply, as General J. remarked, because they were blue, and their adversaries red—and who themselves informed Gen. J. that they would not fight for the United States. He did not feel compelled to remain in the ranks. General J. called this mutiny in his camp—and, he remembered (said Mr. D.) his camp was then a besieged city—that the enemy, though defeated, shamefully defeated, and driven back into their ships, were yet three times more numerous than we, having been reinforced, by three more regiments; and that in a single night, they could again have encamped on the Mississippi. And Mr. D. asked if under these circumstances, and in the absence of official intelligence of the formal ratification of the treaty, Gen. J. would have been true to his duty had he suffered his army to have been converted to effect what the cannon of the enemy had failed to accomplish?

Mr. D. here passed to the facts connected with the arrest of Judge Hall—whom he characterised as the craven judge, who without the courage or patriotism of the women who remained at home, ran away when the enemy was before the city, and returned to the city with a broken heart. He said that the situation of his predictions of disaster to the American arms, but with a consciousness of not having acted as became him, and a determination to play the great man, and if possible to bring the old hero down to a level with himself. Under such unworthy impulses, he said Judge Hall did not hesitate to sign a proclamation, as he had been confessed by the gentleman from Essex, of acting as the complainant in his own court, against General J. and as the executor of his own vengeance. He fined the man whom a whole city hailed with gratitude as their deliverer, for a constructive contempt of his authority. It could scarcely be restrained, however, that he should speak thus of this man. He is dead, and I am willing he should sleep in peace and oblivion. But, sir, as he has been dug up here, and thrust between us and the living hero, as in his life time he was enabled officially to insult the conquering chief, I could scarcely restrain myself from saying that six years have elapsed since, the province of history has begun, and forbearance to surviving friends ceased.

Mr. O'Sullivan continued the debate and denied his having violated any confidence in reading the extracts he had read to the house. The very fact of his colleague having permitted him to read them—should have been taken as evidence that they were confidentially to be read before the public. Portions were confidential. Those he suppressed, as his colleague required they should be. Gen. J. used a word which implied injury—he call-

ed it a stain on his memory which he desired his country should wipe out. Far was it from General Jackson's thoughts to originate a movement to effect that object. The letter was one of a private nature, and which he had not at that time the slightest idea would lead to any species of legislative action. It was written two years ago.

Mr. O'S. had stated before, what it was unnecessary to state at all, that to Gen. Jackson the money was as nothing, that in all probability the charitable use would be made of it, as was suggested by Gen. J. when the amount was tendered to him by the citizens of New Orleans. Mr. O'S. would answer for it that when the object of this resolution should be consummated, no single dollar of this money would ever be converted to any other use. Mr. J. said to Gen. J. that a simple declaratory resolution, that the fine was improperly imposed, and should be refunded, would be enough to satisfy the wounded honor of the old soldier.

Mr. Daveaze repudiated the idea of its being the pecuniary consideration which impelled his urging the passage of the resolution in favor of the old general. He rejected it indignantly as being an insult to his name.

The resolution and preamble were then adopted by a vote of 63 to 24.

QUESTION OF PRIVILEGE.

IN THE HOUSE OF REPRESENTATIVES, THURSDAY, FEB. 3.

The question was on Mr. Sumner's amendment. Mr. Gilmer arose and said that after all that had been done, he was willing as the mover of the original proposition that had given rise to this debate, in withdrawal it provided the gentleman from Massachusetts would withdraw the petition he had offered proving a demand for redress.

Mr. Adams replied that, yesterday with a solemn appeal to his God, he had declared that in presenting this petition he had acted in a sense of duty from which he could not dispense himself. That is the answer I gave to the gentleman from a Virginia who heard it.

Mr. Gilmer. Then I feel constrained by a sense of duty as high as solemn and as sacred, to persevere in urging and supporting the proposition I have made to this house. Mr. G. here asked the reading of his resolution, and it was read. This resolution said Mr. G. contemplates no punishment save the public indignation which such an act merits and the expression of the censure of this house. The house has been put into a position in which it is compelled to give a public expression of its opinion. Why then the language of the gentleman about "pains and penalties" as if the Newgate calendar was haunting his dreams. The gentleman insists on his right to defend himself. Why has he not done it? Again and again with his usual dexterity he has arisen and defended himself. The gentleman has defied the house and its censure in so many words. He has said "the time for action has not yet come." He has referred to the interposition of the treaty making power, and has said that by it the government can emancipate the slaves of the south. He has referred to grievances to be redressed "peaceably if they can grow, if they must." I do not regard this question as involving merely the right of petition as he has contended for. It is a question that touches the union. Reference has been made to the course of South Carolina, and to the opinions avowed by one of its representatives. Mr. G. has asked if he has any references made? Do they not imply a consciousness of more or less of guilt. Does the avowal of others of hostility to the union excuse the gentleman from Massachusetts. I need not defend these gentlemen; they are abundantly capable of defending themselves. Is not the gentleman who has introduced this resolution, but it is the design and tendency of the proposition that I wish the house to consider. The spirit of '76 and '87 is not yet extinct. Is not this a fit occasion for its action. A proposition was made yesterday by my colleague [Mr. Sumners] to commit the whole subject to a committee. That would be gained by such a reference. Would a decision based on a report from any committee bring the subject any nearer to its determination? Not a whit. As to the question of privilege Mr. G. would refer again to the case of John Smith, and quote the language of the report on his case. It in one place repudiated the idea of "voluntary resignation." In another it repudiated as an apology for crippling the congressional power of expulsion. In another it argued that the power would be rendered "negatory by delay." The report concluded that the powers of congress to punish its own members was sustained by the constitution. The report also stated that the gentleman who was expelled was determined by a vote of 19 to 10. One vote more would have carried it. Mr. G. considered it as amounting to a virtual expulsion, one or two of the senators having left their seats as Mr. G. under-

Mr. A. next referred to the case of John Smith, and again admitted as he had done yesterday that the house had the discretionary power to try him on a question of privilege. But he claimed that the house must either send him before a court of justice to have his guilt first established, or that they should themselves first try him and establish his guilt. He said that as the house had already refused to send him to a court of justice, they must of course try him themselves before proceeding to their decision on his case, and he claimed a full and fair trial such as would be allowed to the vilest criminal. He had been charged, notwithstanding the ingenuity of the gentleman from Kentucky, to transpire from him the names of the persons who had conspired with Barratton in perjury and high treason, at least with being an accessory after the fact, and as it was shown by all the laws of England and of this country there were no necessities in treason, the position which would make him an accessory in common crime would make him a principal in treason. There was no such thing as high treason known in England, and he claimed that the laws of the United States which was defined in the constitution. There was not as in England any petty treason so there could not be any high treason. Mr. A. then criticised Mr. Marshall's recourse to English law for his charges of criminality against him. The gentleman from Albanee charged him with using something like wit. No man resorted to wit in more than one place, and he said that he resorted to it here, and that it always seemed to throw the house into bad humor.

and probably he had more occasion for that at present than any thing else.

But as one of the whimsicalities (so to speak) attending his present position, he was disposed to examine the consistency of the gentleman from Kentucky and the gentleman from Albemarle in their charges against him, and in order to show it he would be obliged again to go back to the petition from Georgia. That petition charged him with monomania—with insanity. And the gentleman from Kentucky (Mr. Marshall) had asked the house that he (Mr. A.) might be permitted to defend himself against it, because he (Mr. A.) was inclined to think that the charge was true. The gentleman from Albemarle, even before this present incendiary petition had been presented, had given notice to the house that he should move his (Mr. A.'s) expulsion, as chairman of the committee on foreign affairs, on the ground stated in the petition from Georgia—to wit, monomania. Both the gentlemen, then, had settled it on the petition from Georgia, that he was incompetent to act as chairman of that committee, from monomania. He had then presented the petition of forty-five citizens of Haverrhill, praying for a dissolution of the union, and at once these two gentlemen converted the petition into a petition for its own dissolution into an incendiary and a traitor. Was it customary to charge an insane man with the commission of crimes? [Laughter.] Not five minutes before he had presented this incendiary petition the gentleman had charged him as incompetent from *weakness of sense*; and no sooner had he offered the petition here, than he had turned round and charged him with subornation of perjury and high treason, and half a dozen other almost capital crimes. There would be some difficulty for the gentleman to prove his own consistency in these two classes of charges. If he (Mr. A.) was an insane man, he must plead that he deserved the compassion and not the severe punishment of the house; and if he was insane, was there was certainly as insane in presenting this petition to dissolve the union as he was insane in presenting this mock petition from Georgia.

And, by the way, he had further light thrown on that petition by the declaration of the gentleman from Maryland (Mr. Johnson), that he had been called upon congressional paper, from which he (Mr. A.) believed it had been commenced in this house. And he now called upon whoever might have originated that petition to stand up and avow it like a man. He believed it had been sent to Georgia, and that he had been called upon to receive him into the belief that it was a genuine petition. He could present it as such. He would not have presented it had he believed it to be a fabrication. He would have seen through its intent and purpose, and would have found a justification in his own mind for not presenting a forgery to the house, instead of what he believed it to be, a sincere and genuine paper.

He had already appealed to the good sense and to the feeling of this house to inquire whether, if such a petition did originate here—if it was what gentlemen had thought proper to denounce it, a hoax—he had appealed to them whether such an act was not such a breach of the privileges both of the members and of the house as would deserve the severest punishment the house could inflict.

The other day when he suggested the idea of the discovery made by the gentleman from Maryland, (Mr. Johnson), he (Mr. A.) had said that he hoped that gentleman was not privy to it. One of the gentlemen from Ohio (Mr. Harshman) had said that immediately risen on that occasion, and that he, on that part, he would answer no such inquiry; that he would not suffer the possibility of such a thing to rest upon him. He (Mr. A.) believed the gentleman from Georgia. He believed that every member from that state who was then in the house was innocent entirely of any thing about it, but when he (Mr. A.) had called upon him to avow his disavowal, he had said that he would not, before the gentleman had made the discovery of its being written on congressional paper, he (Mr. A.) had observed that the disavowal was not so explicit as that of the gentleman from Georgia.

Would the gentleman from Maryland disavow all knowledge of this monomania?

Mr. B. C. Johnson rose and explained. He was very imperfectly heard, the reason of which was threefold: first, he was laboring; but he was understood to say that, at the time referred to, he had disclaimed any knowledge of the petition until he had seen it at the clerk's table. The remarks he had then made were reported in the "National Intelligencer," which paper the gentleman from Massachusetts had before

him; and he (Mr. J.) must be permitted to say, that that gentleman ought to be the last to refer to him as being guilty of fraud or falsehood, when he (Mr. A.) has called him privately to his desk and had apologized to him for what he had then said, though he had not the magnanimity to do it on the floor. It was a sort of evadit unworthy of the gentleman, who thus himself committed a fraud.

Mr. Adams. The disavowal is not complete. Does the gentleman disavow any knowledge of the affair before he made that discovery at the clerk's table? I call upon him to answer.

Mr. Johnson. I did most imperfectly heard) was understood to say, that he had most distinctly made the disavowal. And no man with honorable feelings in his bosom would make such imputations upon honorable members of this house.

Mr. Adams. The gentleman from Maryland is a good tactician. I know him, and have known him long at this capacity. The gentleman at one time made a most unjustifiable use of the journals of this house and of my votes here in order to support the grounds he then assumed. I proved the fact to the house and to that gentleman, yet he never made an apology.

Mr. Johnson here made a remark, the purport of which was understood to be that he had proved the gentleman from Massachusetts to be guilty of error, and that the gentleman had never acknowledged it.

Mr. Adams remarked that the gentleman from Albemarle (Mr. G.) after insisting on trying him twice over, and after he had spent several days in that pleasant employment, had said, and after he (Mr. A.) had said that he presented the petition under the sense of duty to his oath and his conscience, that he (Mr. G.) was willing to withdraw his resolution of censure provided he (Mr. A.) would withdraw the petition. No, no—he could not do that. When he had said that he had given up his duty, he had bound to present it he was not speaking to the winds. The question involved the total suppression of the right of petition to the whole people of this union. Many modes and varieties of forms some too ridiculous to be adopted by any sensible house of representatives were made use of to exclude petitions and he was weary of them. He would not, he said, be bound if the gentleman could get a solemn vote of this house censuring members for presenting petitions, then, they thought, this question would be settled; they thought the freedom of the north would not send petitions on any subject they thought proper to oppose. He would not, he said, be bound if the members of the north—when the language was held to them, ay, present your petitions, but you do it under the penalty of violating the privileges of the house—then, they thought, the matter would be ended. But he promised them that it would not be ended; he promised them that they could have the protection here (to use the expression of a sublime and lofty poet of England) "besieging not beseeching."

If he had withdrawn the petition, he would consider himself as having sacrificed the right of petition, as having sacrificed the right of habeas corpus; as having sacrificed the right of trial by jury; as having sacrificed the sacred confidence of the post office; as having sacrificed the freedom of the press; as having sacrificed the freedom of speech; as having sacrificed every element of liberty that was enjoyed by his fellow citizens, because, if he had proved craven to his trust under the intimidation of the charges of the gentleman from Albemarle, and the gentleman from Kentucky, never would the house have seen a petition presented from the people of the union, expressing their grievances in a manner that might not be pleasing to the members of the "peculiar institutions," until at length the people should teach them the lesson that, however their representatives might be intimidated by the discharge of their duty, they (the people) would be their own champions, and the defenders of their own rights. There was the deadly character of the attempt made to put him down—to charge him as a criminal for presenting a petition. Did the gentleman from Albemarle think that that was the way to suppress the discharge of their duty to the people, to the public presses of the north upon this very transaction—from New York, or even from Philadelphia, northward—and see the opinions which he had already expressed as to the manner in which he had been persecuted. And if that gentleman and the gentleman from Kentucky thought that this course upon the part of Mr. A. produced as they were attempting to produce it, would appear discord and silence discussion, they would find very different sentences prevailing.

Mr. Gilmer here rose, and tendered to Mr. Adams a newspaper, (which the reporter understood to be the Essex Banner, Haverrhill, of date January 27.)

Mr. Adams. I can furnish the gentleman with twenty papers for his use.

Mr. Gilmer. The exchange, then, will be in my favor. [Laughter.]

The speaker interposed to order.

Mr. Adams said he did not wish to be diverted by any of these interruptions.

The gentleman had said that he had offered his resolution under a sense of duty without consultation in caucus, or convention, or otherwise; yet the gentleman had suffered the far more violent resolution of the gentleman from Kentucky to be before the house until this morning, without ever having declared whether he had accepted it or not as a substitute for his own resolution. He had not held a consultation after that resolution was offered.

Mr. Gilmer. Frequently.

Mr. Adams. I mean a caucus.

Mr. Gilmer. I do not know what the gentleman means by a caucus; but I—

Mr. Adams, (interrupting Mr. G.) The gentleman does not know what I mean by a caucus? That is enough. [Laughter.]

Mr. Gilmer said he did know what the gentleman meant by a caucus, but he wanted to know what the gentleman meant when he spoke of a caucus; and he (Mr. G.) would now, after the fashion of the Yankees, answer the gentleman's question by asking him another. Had the gentleman himself held no consultations, and had there not been another caucus at which he (Mr. G.) was not present?

The speaker again interposed.

Mr. Adams said, that as to any consultations or consultations, he did not know what that was a thing for which he was responsible to the house whenever called upon from a proper quarter.

Mr. Gilmer. So am I.

Mr. Adams. The gentleman equivocates. He dares not acknowledge that he was a party to that secret conference beneath this hall which followed immediately after the gentleman's question by asking him to know it, and he is trying to evade it by putting questions to me.

Mr. Gilmer, who had risen, took his seat, remarking (as the reporter thinks) that he would not reply to such language.

Mr. Adams proceeded. He took for granted that the gentleman was there; and he took it for granted that the proposition of the gentleman from Kentucky (Mr. Marshall) was the result of that caucus.

But more. The gentleman from Albemarle had said that he brought forward this resolution upon his own ground, without consultation, under a sense of the indignation he felt at the presentation of the petition. Yet, mark; the gentleman had, before that time, notified this house that he was prepared to dismiss him (Mr. A.) as chairman of the committee on foreign relations, according to the prayer of the petition from Georgia. The gentleman had given notice of this to the house, and he (Mr. A.) Yes, the gentleman had tampered with a colleague of his (Mr. A.'s) own, to put him in the station of chairman of the committee on foreign affairs, in his (Mr. A.'s) place.

Mr. Gilmer and Mr. Cushing both denied this, and after some dispute between Mr. A. and Mr. C. Mr. Adams continued.

There was a design to remove him from his station as chairman of the committee on foreign affairs before he presented this petition. The attempt to carry this into execution had already been made in the committee on foreign affairs. Notice had been given by a member of this house and a member of that committee to remove him (Mr. A.) from his station before he had presented this petition. He hoped the house would notice that fact. He would read from the record of the proceedings of that committee.

He did not take it that the proceedings of the committees of this house were secret. Since he had been a member of the house, any person who chose had been permitted to attend them. He understood he was at liberty to read the proceedings of the committee. He then read the following record of the proceedings of the committee on foreign affairs, at its session on Tuesday, February 1, 1842:

In committee on foreign affairs of the house of representatives of the United States, Tuesday, 1st February, 1842:

Present—Adams, Gilmer, Everett, Hunter, Rhett, Cushing, Preble, Johnson, Granger.

The chairman presented a paper in writing, to the effect that Thomas W. Gilmer, a member of the house from Virginia and a member of this committee, having announced in the house his intention to move, without instructions from the house, that this committee do elect a chairman, the present chairman inquires whether Mr. Gilmer is now ready to make that motion; and moved that this inquiry, together with Mr. Gilmer's answer, be entered on the minutes of the proceedings of the committee.

Mr. Gilmer presented a paper in writing, in response to this inquiry.

pointment by president Monroe to the highest post held under him, Mr. A. continued:]

He had spoken of the confidence, the friendship, and the love of the children of Virginia, and his affection and gratitude to them and their memory. It would be impossible for him to withhold the affection for that state which he had held from a boy. But when he saw the treatment he was receiving from the children of that same state, who now presented—a part of them at least—what could be his feelings? What must they have been to find himself charged here with such a violation of public duties as a member of this house, as that the censure of this house should be invoked on him?—And with respect to one resolution, to find charges of such infamous crimes as subordination of perjury and high treason, attempted to be fastened upon him, and his good name to the end of time? There must be a great change in the feelings of Virginia. In all the intercourse he had with these men, from Washington down to Monroe, never, in the course of his life, was there a question between them and him on the subject of slavery. He knew that they all abhorred slavery, and he could prove it, if it was denied now, from the testimony of Jefferson, of Madison, and of Washington themselves. There was not an abolitionist of the wildest character in the northern states but might find in the writings of Jefferson at the time of his Declaration of Independence, and during his whole life down to the time of his death, a justification of every thing they say on the subject of slavery, and a description of the horrors of slavery greater than he had the power to express.

How was it now? He was to be held up by Virginia as it was the leader and head, not only of the abolition party, but of a disunion party, a British party, not only influenced by British feelings and assistance, but by British money.

He must close this part of his defence—for he had now for the first time entered on his defence—by saying that it was unexpected, most perfectly unexpected to him, that he knew what these great men of the revolutionary times, who were Virginia, thought of slavery—of the institution to which now every thing was to be sacrificed—when he now saw members from that state endeavoring to destroy him and his character, for the sole cause of presenting a petition. He should have hoped better things of Virginia, and of the representation of that state upon this floor would have felt something of.

"That holy shame which we're fearful

What care renown it used to wear,

Whose blush remain's when virtue soars

To show her sunshine has been there."

And he here yielded the floor.

The action of Mr. Thompson, of Indiana, the house adjourned.

FRIDAY, FEB. 4. Mr. Adams had been endeavoring to establish the existence of a conspiracy in the house and out of the house against himself, and through him, against the right of petition and all the rights and liberties of the free people of this union, against the right of habeas corpus; the right of trial by jury, the freedom of the press; against the sacred confidence of the post office; and he might, he said, have added, against the peace of this country with foreign powers, and most especially with Great Britain. Of this conspiracy he said he had furnished proof of so much as had reference to himself, his position in this house, and his franchises as a member of it, and his private position as chairman of the committee on foreign affairs. I proved, said Mr. A., that, before I had offered the petition, the presentation of which is the alleged ground of this proceeding against me, and before I was under any charge in reference to which it is proposed the house shall be so convened, the purpose of removing me from the position of the chairman of the committee on foreign affairs had been already disclosed by one of the members of the house, and that that member had tampered with my colleague, (Mr. Cushing), whom I regret not to see in his place, that he had tampered with my colleague appeared to be a little alarmed at the disclosure, and he had induced the member from Albemarle (Mr. Gilmer), with having equivocated in the answer he gave to the charge.

Mr. Gilmer called upon Mr. Cushing to state distinctly that he had had no communication with him direct or indirect.

Mr. Prentiss. I hope he (Mr. A.) will admit that I had no part in this tampering.

Mr. Cushing. My colleague saw fit, gratuitously and most unjustly to introduce on the floor of this house a reference to a private and personal conversation of mine with a gentleman, and to make an imputation on my character, and to make an imputation on me, when detailing private conversation, to substitute the understanding of the narrator for what was really said. I have before me a report of what my colleague said: he said that the gentleman from

Virginia (Mr. Gilmer) had tampered with me on the subject of displacing my colleague from the chair of the committee on foreign affairs, and phrasing myself in his bill. I had seen nothing of the kind said to him. He further said that promises had been made to me. I denied the truth of the statement then, as I deny it now. I deny both that such a fact transpired, and that I made any such communication to my colleague. I said I denied it then; and yet my colleague reiterated the statement, and said I had added it to the report. I have now the opportunity of refuting what he said, and I do so.

(Mr. Adams. No, sir!)

My colleague has no right thus to interrupt me. Other gentlemen of the house have rights on this floor as well as he. My colleague, I say, reiterated the assertion, and in this form. (Here, Mr. C. quoted the report, and he said that he had added it to the report, but asserted that I admitted its truth, when again and again I denied it.)

What did occur was this. On the 25th of January, in the debate which occurred in relation to the memorial from Georgia presented in this house by my colleague, a conversation took place between the gentleman from Virginia, (Mr. Gilmer), the speaker of the house, and my colleague, (Mr. Adams), on the subject of the choice of a new chairman. The gentleman from Virginia interrogated the chair as to the powers and rights of a standing committee of this house over that matter. Whereupon my colleague declared that he had no authority to make a declaration and avowal of a contemplated purpose of a gentleman or of gentlemen of that committee; and that declaration was the cause and origin of what has since occurred. I, being second upon the list of the committee, felt a painful delay in my situation, and in consequence of that I engaged in conversation with my colleague, in which I stated to him the facts, so far as they were pertinent to the subject. I trust that while my colleague is engaged in defending himself, he will abstain from gratuitous and injurious assaults upon others, at least upon me.

Mr. Adams, resuming. My colleague has said every thing but what I asked of him, and what it imports this house to know. I asked him from whom he obtained the information that it was contemplated to appoint him to the chair of the committee, and what it was that made him feel himself in so very delicate a position, that he was induced to cherish a purpose to resign his seat in the committee, and at the same time to assume authority of a majority of the committee itself, that it was he who had presented to the mind of my colleague the prospect of his rise by my fall. I now ask him from whom that communication came? The member from Albemarle and the gentleman from Indiana (Mr. Prentiss) have both stated that they do not have the least gain in mind from the motion of the member from Albemarle and the conversation about the streets; that from something stronger than that that my colleague had felt himself placed in a situation so embarrassing that he contemplated a resignation. As to a reference here to private conversations, I hold that in reference to conversations of this kind, I am in the same position now stand in, I am justified in repeating them for my own defence. The member from Albemarle has read here a letter written by me thirty years ago, and of the most private and confidential character. I do not complain of that—

Let anxious jealousy and envious spite

Prevent me to reveal and to disclose

And ask my open day or secret night."

No man shall find me shrinking from the disclosure. I say I do not complain of the member from Virginia for presenting to this house a private letter of mine, written in the most confidential manner and in very private terms. If the gentleman will send the letter, I will thank him, and in the meantime I have the opportunity of defending what I then wrote.

[A voice: "It has been printed in the report: it is in the paper."]

If my colleague thinks proper, after my disclaimer of all charge upon him, to take what I have said as offensive to himself, I cannot help it. I never charged him with having encouraged the tampering of which I spoke; but he said to me that he could not resist the temptation to make a declaration that he would have nothing to do with it. Is the gentleman resigned his seat, the next on the list of preferment would, I understand, be the member from Albemarle himself. I do not charge that my colleague was ready to resign in order to get the seat for that member, and when a private conversation takes place as to facts which are vital to my defence as an accused party, I hope my colleague will not consider me as intruding upon the

house when I do refer to such conversation. I again ask him to name the man or men that did give him the information of which he spoke to me.

Mr. Cushing did not choose to be put in the position of a witness here. So far as I know there has been no tampering; no proposition was certainly ever made to me.

Mr. Rhett rose and said: I was not in the house when the facts alluded to took place, but I have since seen the report of them, as it is given in the Intelligence. No person making the imputation against the gentleman of detailing private and friendly conversation on this floor, I must ask the permission of the gentleman from Massachusetts (Mr. Cushing) to narrate what occurred between us relative to this matter, especially as the gentleman from Massachusetts, (Mr. Adams), after assailing so many others, seems now to have singled me out for a tonalawk, and the house knows with what remorselessness he goes to work on his victims.

(Mr. Cushing having expressed his assent)—

Mr. Rhett said: After the gentleman from Massachusetts had submitted his motion to the house, now pending, that the committee on foreign affairs should choose a new chairman, if they thought it proper to do so, I was passing near the clerk's table where the gentleman from Massachusetts (Mr. Cushing) was standing, and I said to him: "Well, Mr. Cushing, as you stand upon the list of the committee, I suppose you shall have to elect you our chairman; to that that gentleman replied, 'No, sir; I neither can nor will serve.'—'But suppose,' I replied, 'we elect you, what can you do?' He answered, 'The house may appoint a chairman; I cannot and will not serve if elected.'"

And now, if the gentleman from Massachusetts can make any ad submission to this argument he or his colleague, or beneficial to himself, he is welcome to do so.

Mr. Adams. Will the gentleman be kind enough to hand me a pamphlet he quoted to us a day or two since?

Mr. Rhett. After assailing half a dozen other gentlemen on this floor, I suppose he means now to lift up a tonalawk upon me; every body knows the ferocity with which he makes his attack. I suppose I must prepare myself for the consequences. I now inform the gentleman that I sent the pamphlet, temporarily, to the public press, so that it is not now in my possession.

Mr. Adams. I shall be much obliged to the gentleman for the use of it. I do not know that I shall want it to-day. [A laugh.] But in the defence of my good name, and of all I hold dear, and all I have to leave to my children, I may possibly want to make use of that pamphlet.

Well, now all is disclosed. The facts are sufficient for me. I will bid the gentleman from South Carolina on what premises he founded the conclusion that if I was removed my colleague would be elected.

Mr. Rhett. I have already stated that his name stood second on the list.

Mr. Adams. That was nothing at all, if a chairman was to be elected. The gentleman himself might have been chosen to fill the vacancy, or the very last name on the list, just as well as the second. He is the man who tampered with my colleague; he has admitted it on this floor. Let it go to the country—let it go to the world. I am now satisfied. I ask pardon of the gentleman from Albemarle for thinking that he was so much interested in the result of this situation was made to my colleague. I will simply say that a gentleman of the standing of the gentleman from South Carolina would not have made such a proposition without some information to ground it upon. I rather think some little bird must have whispered in the ear of the gentleman that he was a majority of the committee, and he accordingly offered to substitute my colleague for myself. I do not ask for any further disclosure of private conversations; I will not ask him on what ground he proceeded when he put this little temptation into my colleague's mind.

Mr. Rhett again interposed. The gentleman infers that somebody must have had communication with me; and now I suppose another conclusion is being hatched up. I say that nobody did communicate with me at all on the subject; and my passing observation to his colleague was entirely the result of my own thoughts and opinion. The gentleman from Massachusetts (Mr. Cushing) stood second on the list of the members of the committee, and he accordingly, to courtesy, would give him the preference. Besides, he had been the former chairman, and if the house, according to the gentleman's own proposition, did refer it to the committee to choose a chairman, deeming his colleague (Mr. Cushing) a far superior man for the situation, I should be bound to accept of a sense of duty, to vote for his being the chairman of the committee. It required no counsel with any one to pursue a path so plain.

Mr. Adams. I am satisfied; and I here again say to my colleague that I disclaim all intention of making any charge upon him throughout the whole transaction; and I thought he would not be the man to lend himself to this sort of insinuation or conspiracy, as I denounce it. It now appears that he rejected it instantly, and then came to me and gave me the information of what had transpired. I had inferred from the motion here, made by the gentleman from Albemarle, that it was he who made the proposition. I am glad to be able to say to the gentleman from Indiana, *Mr. Preffitt*, that I never did, and never intended having taken part in this league—not for a woman; and I now receive with the most undoubted confidence his disclaimer of participation in it. [A laugh.]

Mr. Preffitt. I am under very great obligations to the gentleman from Massachusetts. Two days after the gentleman's colleague informed me of what had been said to him, and of what was the general conversation of southern gentlemen on the subject, and implored me by every feeling of private friendship that I would do all I could to prevent such an event. There were four southern gentlemen and four northern gentlemen on the committee; and knowing that I held in my hand the balance of the committee, I answered him that I would.

Mr. Adams. I am happy to hear this testimony in confirmation of the honorable conduct of my colleague; and that the gentleman from Indiana was not part and parcel of the conspiracy against me; and that the proposition was made to my colleague with any certainty of its being supported by a majority of the committee.

In the course of this long, and to me most painful trial, among other charges in the papers, and which have been contumacious, in some respects by those who profess to be my friends, it is said that I have given ground to this persecution of the abolitionists, with which I have attempted to defend myself against it. Now, I do not know whether there be a member of this house who, if he had one of these mad dogs whom the mayor of Washington has proscribed by proclamation coming at him "full butt," would put his own head in the mill, putting it, it would say to him, in a very gentle tone, "my dear fellow, now pray don't hurt me." For my part, if I should find a real bad animal like that at the very point of biting me, and putting into the wound some of that slaver which kills, I should be very apt to use against him some indignation stronger than my bare hand, and make some demonstration a little more hostile than putting his head.

If there be no palliation—I do not say justification, for I put myself in this upon the indulgence of the house—for any improper acrimony in my words, directed as they have been against men whom I consider as wanting me with a day far beyond that of any mad dog—with a fury beyond that which any mad dog would be brought from Cuba to throttle the Florida Indians—I throw myself upon the indulgence of this house. I ask the house to consider my position; and, in indulgence to human frailty, to overlook the use of terms which may be unsuited, not to those who are attacking me, but for me to use.

I admit, I confess, that in charging the Georgia whigs, the South Union nullifiers, the Tyler corporals' guard and the squadron of Kentucky with most extraordinary combination and amalgamation to persecute me, I have, perhaps, made use of too general terms. I am under an eternal debt to that gentleman from Georgia (*Mr. Warren*) who came out here and declared that henceforward he should be engaged against the legislation of this house, and the responsibility to his constituents which he incurred by such an act. I appreciate most fully the intrepidity of soul which alone could have led him to such an avowal in the face of this house. I assure him, and this house, that the memory of what he has done will remain as a monument as long as that reason shall be left to me which some of his constituents may, such they be, or of his mock constituents, as is asserted by others, have publicly denied me to possess.

There are, besides, three or four gentlemen from Kentucky, the particular friends of the gentleman who has made the most violent attack upon me, but who have not, from the Legislature, been enabled him in that measure, and whom I would here notice were it not against the rules, whom I beg to understand that not one word I have said has been at any time directed against them; on the contrary, I feel myself under the greatest obligations to them for doing what they have done. I have no objection to their public duty, just as much as if it had been in their private and personal friendship to me. I make them some acknowledgment to several of the members from Maryland, a state to which I feel an attachment perhaps as strong as that I have avowed towards the state of Virginia. The children are half citizens of Maryland. The gentleman from Kentucky (*Mr. Marshall*) some days ago, in one of the most power-

ful and eloquent speeches he has made here, amidst the most pathetic appeal which I think I ever have heard in my whole life, referred to the consequences of slander upon the relatives of the slandered party, and on the heart of a mother or of a sister. Does the gentleman suppose that I, the man who has a mother or a sister whose bosom is alive to charges of crime made against himself? By those who are aware of my intimate domestic connection with the state of Maryland, my position in this house can be better appreciated. If the gentleman could know how much I am concerned in every dearer and nearer than those of mother or sister have the friends of nations, I would ask him how he would himself feel were such accusations unjustly preferred against him!

I have apologized to some of the members from Maryland: I wish I could do the same thing to those who compose what is called the corporals' guard.—They are said to be in very intimate connection with a distinguished person, with whom I wish to stand in the most friendly relations possible; and I wish I could make that person an exception from the conspiracy which has been formed against me, and of which I have here presented the proofs. I wish he were not concerned in such a combination. I should have some comfort in seeing him in the ranks. There were there one single member of that body, which is called the guard, to whom I could address the same apology which I have addressed to gentlemen from Maryland and from Kentucky. [A voice: We want none.] As to that distinguished person, I think that at the close of his last session I manifested a disposition to support him and his administration, which ought to be remembered; and I will say further, that since I have been placed at the head of the committee on Foreign Affairs he has had positive assurance of my inclination to support him, which he had not before. The closer, therefore, does it come to my feelings, to his intimate, confidential friends in this house, at the close of his session, in his removal, in his engagement with some of the virulent members of the opposition against me. I called for a copy of the letter from the president, which the gentleman from Maryland (*Mr. W. C. Johnson*) declared here in his place that he had received.

[*Mr. W. C. Johnson* here rose, and, though very imperfectly heard, was understood to say that he never stated that he had received a letter from the president of the States.]

Well, then, from the vice-president; or from *Mr. John Tyler*. Whichever it came from, the gentleman introduced it here as one argument to induce this house to reverse its determination, three times expressed, to abolish the 21st rule. The gentleman said he had received a letter from a distinguished gentleman of Virginia, and knew from that letter that the president would not make it if they could not at least get the newspapers, and from them I get my information;—but some doubt was entertained whether that could be done, and so they left it to the gentleman from Kentucky to prepare a resolution in conformity with the deliberations which had been held, which should come as near expulsion as it is possible, and, I should think, declare that it is not expedient, might consist in an act of great mercy, for I richly deserved it.

Mr. Triplett here rose, and stated that he himself, without consultation with a human being, and without any reference to his having presented the last petition, and without any aid or assistance of the abolition petitions which he had previously presented, had commenced a conversation with gentlemen from the south, and asked a number of them whether it would not be right to get up a meeting with a view to the protection of their peculiar institutions. Some of the older and more experienced members had dissuaded him from such a proposal, and the journey of the house as he had at first proposed, and the caucus which did take place was induced by the presentation of the petition for the dissolution of the union. *Mr. T.* said that he would then state what had taken place in the caucus. It consisted of a good many more than forty men, and after the first proposal had been made, particularly as to a modification of the 21st rule, which might rid the house of petitions so framed as at present to avoid the rule. While the speaking was going on, a gentleman from Kentucky (*Mr. Marshall*) had come in. Much was said as to the course of the gentleman from Massachusetts, but no actual action had been taken, and no course determined on. It was agreed that another meeting should be held, not for the purpose of consulting what should be done with the gentleman from Massachusetts—for that was a question respecting which every gentleman must consult his own breast—but what should be done to protect the south from the designs of northern abolitionists.

Mr. Marshall said that it had been correctly reported in the paper that he declared on the floor of that house that he offered the resolutions he proposed on his own responsibility. The original draught of them had been made at his own table, without consultation with any one. As he was about to leave the hall, he had called on the gentleman from Kentucky who was holding a meeting. He repaired to the place, and listened to the remarks of southern gentlemen there made, and never in his life had he witnessed greater discrepancy. In regard to most of the opinions expressed, *Mr. Marshall* differed from a great many

of the committee on foreign affairs, with the promise held out to my colleague (*Mr. George*) that he should be appointed in my place; if he would consent to the movement, I think I have fully disclosed.

I now proceed further. All this took place before I presented the petition which is the foundation of the present proceeding against me. When I did present the petition, the member from Accomac, the neutral man, [a laugh]—the member from Virginia, who would be in order to introduce a vote of censure. Another very combustible member from Virginia proposed to burn the petition; and well was it for me that he did not include a motion to burn the petitions and the presenter of the petition himself.

And here I must do the speaker the justice to say the proposition to burn did not seem in the least agreeable to him. [A laugh.] He was not quite ready, it seems, for an *auto de fe*. I wish I could see that combustible gentleman in his place, but I fear he is not now in the house. He said that, for his part, he had made up his mind. He was quite ready to refer the subject to the committee on foreign affairs, and to have its chairman moved forthwith. He was ready for it. This did not much surprise me, because I knew that the gentleman had made much such a declaration three years ago in a printed letter addressed to the captain *Piper*—not a certainly the *Peter Piper* who picked up a box of papers ready for it, for it would have puzzled that *Peter Piper* to have found so much as a single grain of spice in that letter. He would have found filth and venom enough, but no spice; not a scrap, not a grain. And the gentleman had the kindness, at my request, to give me a copy of that pamphlet concluding that letter. I have preserved it with care among the monuments of glory which I should claim, if I am to reckon among the honors of my country the assault, the unprovoked assault, of the combustible gentleman from Virginia. I was not surprised that he proposed to burn the petition, and to support the resolutions which are of dissolution of the union was to be moved, that he was quite ready for it. And that gentleman is to be one of my judges!

And the member from Albemarle (*Mr. Gilmer*) caught at once at the hint thrown out by his colleague from Accomac and forthwith offered a resolution declaring that the member from Massachusetts, by presenting such a petition, had incurred the censure of this house. This resolution was very mild in comparison with that afterwards offered by the gentleman from Kentucky (*Mr. Marshall*).

But it seems that this was not thought to be enough, and some thirty or forty members of this house—I wish they would all of them stand now in the hall, or would present us with a list of the years and days taken in that delicious caucus, (I hope the member from Albemarle will understand me without further explanation. Yesterday, if I remember right, he did not understand what a caucus meant)—agreed to meet, and a caucus was held. It was determined that if they could not at least get the newspapers, and from them I get my information;—but some doubt was entertained whether that could be done, and so they left it to the gentleman from Kentucky to prepare a resolution in conformity with the deliberations which had been held, which should come as near expulsion as it is possible, and, I should think, declare that it is not expedient, might consist in an act of great mercy, for I richly deserved it.

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of those present. He himself then addressed the meeting, and read to it the resolution which he had previously prepared—apprising the gentleman that he had drawn them up on his own responsibility, and should offer them in the house without reference to what might be there agreed on. He had further expressed it as his own opinion, that the subject of abolition might not be connected with it; that he should not himself attempt any such association, nor did he mean or desire that it should be attempted by others. The resolutions were in no sense the result of that caucus. They had been drawn up before he had heard of it, and no vote was there taken upon them. He had read them to the gentleman assembled, but had not submitted them to their aid. He had at first intended to move the expulsion of the gentleman from Massachusetts, and his intention to do so had been changed not by the views or conversations of his friends in the house, but of those who were out of the house. The gentleman from Massachusetts was perfectly ignorant of this admission. The gentleman himself had dared the house to expel him—had declared that he scorned its grace and mercy; that, if expelled, he would go back to his constituents; that they would send him here again. On reflection Mr. M. had thought it not unlikely that this would be the result, and he then offered the other resolutions, because he thought that peace and the dignity of the house alike required that the gentleman from Massachusetts should be stopped.

Mr. Adams. Yes I was to be stopped; and the member from Albemarle threatened to stop my music. I am happy that the facts have been disclosed. In consequence of the reference made to that caucus I am not at all surprised that the gentleman from Kentucky should have cherished an intention of moving to expel me; and I have no doubt that had a motion been made to cut me up into pieces of an ounce I should have been just as ready to vote for that. And I have demonstrated pretty clearly, I think, the fact that he has actually done that which to me is infinitely worse than putting me to death—a threat, however, which was actually made (as I showed from letters which I read here yesterday) by certain other auxiliaries of the member from Albemarle. I think he would have carried up these resolutions without consultation with any, and then read them to the caucus, and left those who composed it in full possession of all his views. I am not surprised. It was almost a justification, at least it was a great palliation of the act, that there existed such a discrepancy of views among those who composed the caucus. He could not, it seems, bring any of them, however exasperated, to follow in a crusade against abolition petitions. The gentleman tells us as he did not mean to connect his resolutions and the proceedings thereon with the subject of abolition at all. This is very extraordinary. The presentation of abolition petitions has never before been so much a part of the business of the house as it has been the very object respecting which the meeting was called, and it is pre-eminently the thing involved in the present proceedings here. If I am to be censured, it is for presenting abolition petitions; and if the petitioners are to be censured here, they are to be censured for having sent here an abolition petition.

Mr. A. here quoted from the Haverhill paper which expressed his feelings against the petition, and which demanded the names of those who signed it. I thought it was gross of the part of the editor of the whole argument of the gentleman from Kentucky, and the gentleman from Albemarle in support of this prosecution of the house against me; for, though they cannot, as this editor does, suppress the fact that I was for instructing the committee to report reasons against the petition, yet they both, throughout their whole argument, have gone on the principle that I am responsible as if I had instructed the committee to bring in a report favorable to the prayer of these petitioners. This is the whole substance of their argument. I do not know what effect it may have had upon the house. One gentleman, at least, declared that he would never refer the petition to me, and he is reported on, because he believed I was not so heartily in favor of what it asked for. That is the injustice which has been done me by these prosecutors from beginning to end.

There are other passages in the Haverhill paper which express strong feeling against the petition, and which demand the names of those who signed it. I thought it was gross of the part of the editor of the whole argument of the gentleman from Kentucky, and the gentleman from Albemarle in support of this prosecution of the house against me; for, though they cannot, as this editor does, suppress the fact that I was for instructing the committee to report reasons against the petition, yet they both, throughout their whole argument, have gone on the principle that I am responsible as if I had instructed the committee to bring in a report favorable to the prayer of these petitioners. This is the whole substance of their argument. I do not know what effect it may have had upon the house. One gentleman, at least, declared that he would never refer the petition to me, and he is reported on, because he believed I was not so heartily in favor of what it asked for. That is the injustice which has been done me by these prosecutors from beginning to end.

unpopular with a majority of the inhabitants of that county as it is against the opinions of any member from South Carolina in this house, and I am, at the point. The point is, the right of the people to be heard in petitioning here for a redress of grievances.

But now to come to the petitioners. A proposition has been moved here by a gentleman from Virginia, to suspend the gentleman who is the whole subject to a select committee, and, so far as the committee is concerned, I have no objection—reserving, however, to myself the right of defending myself before that committee. But I submit to that gentleman that his resolution places all these petitioners in the light of accessories. And I ask this house to consider me here as a witness, in case the committee, which he calls the representative, to an account, but the representative the constituent, and that for crimes of so great a magnitude. Should the subject go to a committee, the preliminary question will be, are the crimes of subornation of perjury and of high treason, in this petition, and if they are, will the committee come to a conclusion, without hearing the petitioners? Certainly not. I say again, that the usual state of things is here reversed. A representative calls his constituent to an account, and accuses him of high treason and subornation of perjury. Mr. Sumners here explained that his resolution did not contemplate an insertion of the preamble moved by Mr. Marshall, but was intended to exclude the preamble as well as the resolutions.

Mr. Adams. If that is the purpose of the gentleman, and if the adoption of his resolution will be equivalent to a rejection of the whole proposition of the gentleman from Kentucky, then certainly the rejection will not apply so far as regards the petitioners. Yet if we are to come at the subject at all, I do not see how the committee can escape from the weighty charges which lie at the foundation of the whole matter. I say that the effect must be to put the gentleman from Kentucky in the place of a representative. Even the resolution of the gentleman from Albemarle does virtually include the constituent. It trenches on his right to petition, and I do not see how the committee can escape from that difficulty. So far, however, as I am concerned, I again declare that I am perfectly willing the gentleman's resolution should have been carried, and I have no objection to it. But what I wish in the present stage of the proceeding, and that which I insist upon is a direct vote, ay or no, on the propositions of the gentleman from Kentucky and the gentleman from Albemarle.

Among the proofs of this conspiracy against the rights of the people, and the rights of freedom in free states, I alluded to the auxiliaries of the member from Albemarle out of this house as well as in it. In regard to his auxiliaries in the house, I think the proof must have been perfectly satisfactory to the mind of every man. The gentleman has told us that the caucus consisted of more than forty members. Some of these members were more than forty judges, who had predetermined by sentence, meeting in conclave to consult how it could be carried into execution. I ask of every member here present whether he would be willing to be placed in the same circumstances?

As to the external auxiliaries of the member from Albemarle and the conspiracy, I will first speak of the members, which, as is well known, is done under the superintendence of what is called the south. It is well known that at the south there are committees of vigilance, who violate the post office, and who take out without scruple and burn whatever they consider as in its nature incendiary. What is the result? It is that the press is everywhere silent, that whenever a debate of this kind occurs, you never can get a fair report of it; and, in proof of this assertion, I give the report of yesterday in the National Intelligencer. There is no report of that debate which deserves the name of a report; and, as to the Globe, which is another of the papers, as the gentleman has said, there is scarcely a day in which it does not contain a column or a column and a half against me. For the truth of this I appeal to all who read the Globe. And not only that, but there is a paper at Alexandria, said to be a whig paper, which utters against me whole volumes of the bitterest invective, equal in violence to that of the member from Accouee or the member from Kentucky. And all this for what? For presenting a petition! And they charge me with a consumption of the time of this house, and with all the confusion arising out of these debates, though I can appeal to the members of the house whether I am responsible for one hour thus occupied! I have declined that responsibility from the beginning. Even after all the thunder and the lightnings of the gentleman from Accouee, and Kentucky, and from Albemarle, I have offered to sit down without one word of reply. But what I do I am bound to do, in defence of my

own reputation, and in defence of my constituents. Here is the influence of the press, both positive and negative; negative in the failure to report truly the debates of the house, positive in the circulation of abuse against an accused man when not upon his trial. What would be the consequence if such a course should be pursued in regard to a court of justice before which I stood charged with subornation of perjury and high treason? Is not the practice of the courts of the country that during the course of a public trial the press should be excluded, that there may be a fair and impartial decision?

Mr. Adams proceeded to remark that the members of both houses of congress were not bound by oath to support the constitution. The gentleman from Kentucky maintained that they were not upon his trial for the proof. The oath to which they are sworn is to support the constitution of the United States.—Another gross assumption in that preamble was, that the dissolution of the union could only be effected by force. Washington and Madison were the men who took the first steps in dissolving the union of the confederacy; and the very first words of the constitution of the United States declare its object to be to form a more perfect union. It was dissolved in direct defiance of the constitution of the confederacy, which provided that no dissolution should take place unless it was unanimous of all the members of this house so young as not to know that the constitution was carried into execution by eleven states, and that, for two years, Rhode Island and North Carolina were not parties to the new compact, after that of the confederation was totally dissolved.

Why, then, should not charity admit that this petition was to dissolve this union into a more perfect one? This union had of them to consider in a social light, to show that the charge on him of a desire to dissolve this union was as false as those of high treason, or of subornation of perjury; but he would say to the house that, in consequence of the deep, deep questions pending between different portions of this union, more perfect union could be formed. There were questions pending between different portions of the country that ought to be agitated and discussed fully. If it was not done, the time was not far distant when it would threaten the dissolution of the union. He begged members from Kentucky to note that he desired members from the north and south to understand each other. He begged them to consider in a social light, and said that these questions could not be wicked out of sight. This petition opened the door for amiable discussion—for conciliatory adjustment of those conflicts of interest and opinion which were even now shaking the union to its centre. He referred to the objections of the gentlemen from Albemarle and Kentucky, that, if this petition was referred, he should be chairman of the committee. But, if the petition should be received, he should ask to have nothing to do with that committee, but that the petition should be referred to the ablest members of both parties, by which this question might be brought into friendly discussion, and placed at rest. And here, notwithstanding his disavowal, to charge him not only with being friendly to a dissolution of the union, but with being at the head of a party under British influence and British money for the dissolution of the union. He wished the gentleman from Albemarle to note that he had read yesterday. That letter was one of the strongest proofs of his attachment to the union. It was written in December, 1838, to Joseph Anderson, then a senator of the United States from the state of Tennessee. He (Mr. Adams) had resigned his seat in the senate in the preceding month of May, in consequence of instructions of the legislature of Massachusetts to the senators of that state in congress to support measures which he could not conscientiously approve. Let the extract the gentleman read be read again, that the house might see what his feelings were with respect to the union. Mr. Anderson was desirous to know what the state of feeling was in the house, and in consequence, he commenced with him this correspondence. Mr. Anderson had intimated to him a doubt whether a higher and loftier sense of duty would not have required that Mr. Adams should have retained his seat, and voted according to the dictates of his conscience, though at the expense of his connection with the union. Mr. W. wished to inform the gentleman of a fact which had come to his knowledge. A son of the late Judge Anderson, whom he never saw before this morning, had called on him, and had furnished him with the original letter, and he here notified the gentleman that he would publish it in full with his speech, and in defence of the gentleman of the fact as sound on the union, and then accused citizens of Boston of being unsound and under British influence.—He asked that letter be read.

Mr. Adams had no objection to its being read or published. If the gentleman proposed to prove that

he was sound at that time, he hoped he should prove that he was sound now. The son of that gentleman had furnished that letter to the gentleman from Aecomme—the neutral gentleman. He did not complain of that, but in order to confirm his statement, he had the auxiliary to the gentleman on this subject, he asked what sort of confidence it was that the son of the man to whom the letter was directed, who had received this among the papers of his father, should deliver it to the bitterest of his foes, to bring such a case to the public notice. He made no complaint; he had never written a line which he was not willing to have produced here on his trial. He might have expressed opinions which he had since changed. In the course of thirty years he had changed some of his opinions with respect to the designs of persons in opposition to him. In times of deep party excitement that who was free from suspicions of being entertained by his enemies beyond their real purposes?

Mr. Stansly inquired if this Mr. Anderson held a public office under government? If this was a public office, it did prove the existence of a base conspiracy.

Mr. Wiles was about making a remark; but

Mr. Jdeus said he would not yield the floor to the neutral gentleman from Aecomme. If he wished to speak, he would have time enough after he (Mr. A.) had concluded. He was giving proof of external auxiliaries. There was an external interference, said he, in the determination of the committee to make the decision of this house, in the production of a letter written to his father thirty years ago. What objection was it to him that he produced private conversation as demonstration of a conspiracy? No doubt but at that time he entertained the opinion that very dangerous designs existed against the liberties of Massachusetts. In consequence he had resigned his seat, and had parted from dear friends, who had become his most bitter opponents. It was immediately after the mission of John Henry had taken place, and while he was under the displeasure of his constituents in consequence of the part he had taken in the embargo, that he wrote these letters. He had received none of those opinions, so far as respected himself; he was still ready to pursue the same system, and make the same sacrifices as respects the union and the country as at that time.

It was at that session of the legislature of Massachusetts that the first proposition was made which, several years afterwards, was amplified by a resolution under which the Hartford convention took place. Perhaps he did attribute to those who ruled in the legislature of Massachusetts at that time, intentions which they did not entertain, that they ruled in *terrorem*. Gentlemen might find a series of essays, written by him at that time, on the same topics, "American principles," a review of the works of Fisher Ames. In one of those papers—public papers, which they would find charges respecting the legislature of Massachusetts, as strong as the letter to Mr. Anderson. He wrote letters of the same purport to Mr. Wiles, then a senator from Virginia. It was singular that the letter to Mr. Jdeus should be so ungenerous; for when, some years since, more than twenty years after all these events had passed away, he (Mr. A.) was drawn into a controversy with several gentlemen who had been leading members in that legislature of 1808, and had referred to certain letters of Mr. A. to Giles and to the same topics, and in the same spirit with his letter to Mr. Anderson, Mr. Giles came out, and denied that he had ever written such letters to Mr. A. who was obliged to send to Boston, and hunt up Mr. Giles' old letters, and they were published in the National Intelligencer. Gentlemen who consumed much of the time of the house by endeavoring to rub up these old letters, to rekindle the embers of extinguished animosities to make a party at home against him. He hoped he should be able to satisfy the house and his constituents that his attachments to the union were just as true as he had professed this petition, as they were in the estimation of the neutral member from Aecomme when this letter to Mr. Anderson was written.

In the summer of the year 1837, shortly before the special session of congress called by president Van Buren, the inhabitants of the town of Newburyport, in the residence of his colleague, whom he deeply regretted, quite unintentionally, and without any design, displeased, and he believed at his suggestion, had invited Mr. A. to deliver before them an oration on the anniversary of our national independence. Just fifty years before that time, Mr. A. in early youth, had resided as a student at law in that same town, and he cheerfully accepted of the invitation; and on the 4th of July of that year he delivered an oration, a copy of which he now held in his hand, and from which he would read. There was in it a brief summary of the introduction and discussion of the articles of confederation contemporaneous with the Declaration of Independence. The first

draught of the articles, prepared by a committee before, but reported after the declaration, is thus noted:

"The most remarkable characteristic of this paper is the indiscriminate use of the terms *colonies* and *states*, pervading the whole document, both words denoting the parties to the confederacy. The title declared a confederacy between colonies, but the first article of the draught was, 'The name of this confederacy shall be the United States of America.' In a passage of the 18th article, it was said: 'The United States assembled, shall never engage the United Colonies in a war, unless the delegates of nine colonies freely assent to the same.' The solution to this singularity was that the draught was in preparation before, and reported after, the Declaration of Independence. The principle upon which it was drawn up was, that the separate members of the confederacy should still continue colonies, and only in their united capacity constitute states. The idea of separate state sovereignty had evidently no part in the composition of this paper. It was not contained in the Declaration of Independence; but appears to have been introduced into the draught upon the draught of the articles of the confederation, between the twelfth of July and the ensuing twelfth of August, when it was reported by the committee of the whole in a new draught, from which the term colony, as applied to the contracting parties, was carefully and universally excluded. The revised draught, as reported by the committee of the whole, retained the general tenor of its articles, less of the spirit of union, and more of the separate and sectional feeling, than the draught prepared by the first committee; and far more than the Declaration of Independence."

This was, indeed, what most naturally have been expected, in the progress of a debate involving all the jarring interests and all the latent prejudices of the several contracting parties; each member now considering himself as the representative of a separate and corporate interest, and no longer acting and speaking as in the Declaration of Independence, in the name and by the authority of the people of the union. Yet in the revised draught itself, reported by the committee of the whole, and therefore exhibiting the deliberate mind of the majority of congress at that time, there was no assertion of sovereign power as of right intended to be reserved to the several colonies, but the original draught, reported by the select committee on the confederation, which the first words of the second article were: 'The said colonies unite themselves so as never to be divided by any act whatever.' Precious words!—words pronounced by the infant nation at the instant of her rising from the baptismal font of bondage, bursting from the hearts and uttered by lips yet glowing with the torch from the coal of the declaration!—why were ye stricken out at the revival of the draught, as reported by the committee of the whole? There was in the closing article, both of the original and of the revised draught, a provision in these words, following a stipulation that the articles of the confederation, when ratified, should be observed by the parties, 'And union is to be perpetual.' Words, which, considered as a mere repetition of the pledge, the sacred pledge, given in those first words of the contracting parties in the original draught, 'The said colonies unite themselves so as never to be divided by any act whatever,' discover only the true and the true spirit of union with which the draught had been prepared; but which, taken by themselves, and tripped of that precious pledge, given by the personification of the parties announcing their perpetual union to the world, 'The said colonies unite themselves so as never to be divided by any act whatever,'—and gold and lifeless do they sound!—'And the union is to be perpetual.' To have been, therefore, to guard against the conclusion that an union so loosely compacted was not even intended to be perpetual."

He asked of the house if he was not sound in deriving this? He had another evidence of a later date. The Historical Society of New York invited him to deliver a discourse on the 50th anniversary of the adoption, the 29th of April, 1839, the 50th anniversary of the inauguration of George Washington as president of the United States. He accepted the invitation. In that discourse he discussed the question of state sovereignty. He would read from the address:

"In the calm hours of self-possession, the right of a state to nullify an act of congress is too absurd for argument, and too odious for discussion. The right of a state to secede from the union is equally disowned by the principles of the declaration of independence, which acknowledge no judge between them upon earth, and their governments, and their citizens, in their intercourse with each other, to derive its authority, absolute the other from the reciprocal fulfillment of his own! But this last of earthly powers is

not necessary to the freedom or independence of states, connected together by the immediate action of the people, of whom they consist. To the people alone is there reserved as well the dissolving as the consent power, and that power can be exercised by them only under the aid of conscience, binding to the retributive justice of Heaven."

"With these qualifications we may admit the same right as vested in the people of every state in the union, with reference to the general government, which was reserved by the people of the united States with reference to the supreme head of the British empire, of which the United States were under these limitations have the people of each state in the union a right to secede from the confederated union itself."

"Thus stands the right. But the indissoluble link of union between the people of the several states of this confederated nation, is, after all, not in the right, but in the heart. If the day should ever come (may Heaven avert it!) when the affections of the people of these states shall be alienated from each other—when the fraternal spirit shall give way to cold indifference—or collisions of interest shall fester into hatred, the bands of political association will not be long broken; and yet parties no longer attracted by the magnetism of consistent interest and kind sympathies; and far better will it be for the people of the disunited states to part in friendship from each other, than to be held together by constraint. Then will be the time for reverting to the precedents which occurred at the formation and adoption of the constitution, to the aid of which I now point, by dissolving that which could no longer bind; and to leave the separated parts to be reunited by the law of political gravitation to the centre."

He hoped there were states' rights enough in that. He would read, also, the conclusion of that discourse, where, after recapitulating the principles established by the adoption of the constitution, and their happy results after an experience of half a century, he said:

"And now the future is all before us, and Providence our guide."

"When the children of Israel, after forty years of wanderings in the wilderness, were about to enter upon the promised land, their leader, Moses, who was not permitted to cross the Jordan with them, just before he died, among them, commanded that when the Lord their God should have brought them into the land, they should put the curse upon Mount Ebal, and the blessing upon Mount Gerizim. This injunction was faithfully fulfilled by his successor, Joshua. Immediately after they had taken possession of the land, Joshua put an altar to the Lord, of whole stones, upon Mount Ebal. And there he wrote upon the stones a copy of the law of Moses, which he had written in the presence of the children of Israel; and all Israel, and their elders and officers, and their judges, stood on the two sides of the ark of the covenant, bane by the priests and Levites, six tribes upon Mount Gerizim, and six over against Mount Ebal. And he read all the words of the law, the blessings and cursings, according to all that was written in the book of the law."

"Fellow-citizens, the ark of your covenant is the declaration of independence. Your Mount Ebal is the confederacy of separate state sovereignties, and your Mount Gerizim is the constitution of the United States. In the solemn and sacred, and awful solemnity, narrated in the holy scriptures, there is not a curse pronounced against the people upon Mount Ebal, not a blessing promised them upon Mount Gerizim, which your posterity may not suffer or enjoy, from your and their adherence to or departure from the ark of the declaration of independence, practically interwoven in the constitution of the United States. Lay up these principles, then, in your hearts, and in your souls; bid them for signs upon your hands, that they may be as frontlets between your eyes; teach them to your children, speaking of them when sitting in your houses, when walking by the way, when you arise from the bed, and when you lie down, to the doxologies of your houses, and upon your gates; give to them as to the issues of life; adhere to them as to the cords of your eternal salvation. So may your children's children at the next dawn of this day of jubilee, after a full century of experience, when you are gathered in that institution, celebrate it again, in the full enjoyment of all the blessings recognized by you in the commemoration of this day, and of all the blessings promised to the children of Israel upon Mount Gerizim, as the reward of obedience to the law of God."

Was he sound on the union then? He had not changed his opinion since. The petitioners, he had no doubt, would be as gratified thus by the granting of their prayer if congress would take measures, not for the dissolution of the union, but for its

those sources of discord, bringing too many, in both portions of the union, to look to the dissolution of the union, in despair of any other remedy for the redress of the grievances under which they are suffering, while congress refuse, even to listen to their petitions.

After having taken so much of the time of the house in showing that in every part of his life he had adhered in attachment to the union as to life itself—after that, if the people petitioning were to be charged with treason and subornation of perjury, he hoped these petitioners would be allowed to defend themselves, and be heard in their own defence.

His colleague, (Mr. Cushing), he hoped, would address the house, as he had announced his desire to do. Perhaps he might know some of the petitioners. One of them, he had been informed, had been a member of the legislature, and one of the candidates for the senate of Massachusetts at the election for this present year, and that all the democrats of that body had voted for him—a pure and unqualified democrat. He (Mr. Adams) was a little distrustful, however, of the purpose of his colleague, by his question whether the reconsideration of the vote by which the petition had been laid on the table would reopen the question whether the petition should be received; and inferred that his colleague would vote against its being received. He hoped he was mistaken, and that none of his colleagues would vote against it, and even his colleague from Virginia, (Mr. Parmenter), who is a democrat, that his colleague over the way. He intended to thank his colleague (Mr. Parmenter) for his uniform votes in favor of the right of petition and of the liberties of the country.

He would advise the gentlemen from Kentucky and from Alabama not to lay the flattering union on their souls, and in imagination to be carried so far. He desired, in the course of his defence, to speak of that more particularly. There was one member from New York who had stopped short, who had said thus far would he go and no further. Not one vote had he given to countenance this cruel persecution; though he believed, on every other political question, he was as wide apart from Mr. A. as the gentleman from Kentucky proclaimed himself to be from his associate from Arcadia. He felt bound to return to that member from New York (Mr. John G. Floyd) his thanks. He gave notice that his colleague over the way (Mr. Cushing) would address the house on the same day, in his crusade; perhaps he did not yet acknowledge himself a genuine woolly-headed democrat. The democracy of the north would not denounce the right of petition, except New Hampshire. How far they would go would be seen hereafter.

He would tell them they would have an account to settle with their constituents for their votes on this occasion. He stated yesterday, and now repeated, if those of the prosecution would look to public opinion they would find this course was not the right way to settle this agitation. If they would look into the leading papers of Boston and most of the New York papers, they would find that nothing like quiet or submission, on inquiry in this case, appeared in those quarters. One whig paper, indeed, at Boston had, at the first imperfect and incorrect reports of this conspiracy against him, expressed doubt as to the propriety of his course, supposing him responsible for the consummation of the time of the house. Perhaps the editor of that paper included in his opinion, that he was not a nomination of his relative to the mission to London, of the secretary of state, and of my friend from New York (Mr. Granger) as postmaster general, did, at the last session of the senate, run through that body in spite of that hopeful coalition of southern slavery and northern democracy so industriously recommended by the letter of Mr. Clement C. Clay to the legislature of Alabama, it would be the safest policy for the freedom of the north to hide the light of Mr. C. C. Clay's disclosure under a bushel, and say no more about it. But the editor of the Boston Daily Advertiser had neither

approved himself to his fellow citizens, nor promoted the cause of submission to the joint tenancy of southern slavery and northern democracy, by his inadvertence upon the course of Mr. Adams. If the members from Kentucky, from Arcadia, and from Alabama, would look to the other luminaries of the whig press at Boston, the Courier and the Atlas, he wished those gentlemen would read what they would see there. He was more and more desirous to go to his constituents, because he knew the public opinion there, he wished to say all that could be said in defence of the petitioners, and to show that the whole charge against them was utterly groundless.

The next thing was to show that this conspiracy was personal to him, and through him was in operation in a far more extensive view, that throughout the house was designed to destroy the liberty of the free states, to take up the subject of the controversy between Virginia and New York, and Georgia and New York, and should take up and examine the controversy between Georgia and Maine, and hoped in that to be supported by the whole delegation from Maine. He might say now, to the honor of the governor of Maine, Mr. Allen, that he had been as firm in the support of the liberty of his people as a whig, although a democrat—he feared too deeply pledged to the confederation divulged by Clement C. Clay. And he would take this occasion to ask the members from Maine for the documents relating to this controversy, for he had already warned them and the people of the state of Maine heretofore, and he now solemnly repeated the warning, that as the navigating interests of the people of Maine have already been sacrificed by one treaty with Great Britain, under the scourge of which they are even now suffering, so will the defence of their territory depend upon their resistance or submission to this mutilate policy of southern slavery and northern democracy. Let them look to their boundary line—for if they suffer this government, by their tame submission to the slave-breeding policy, to multiply from Great Britain upon totally untenable grounds, for the protection of the slave trade, African or American, when the adjustment comes to be made, after a bloody and desolating war, the territory of the people of Maine will be sacrificed as an equivalent, a *quid pro quo*, for some paltry concessions of protection to the slave trade and indemnity to slave traders.

He would prove why the gentleman from Alabama was so anxious to dismiss him from his post as chairman of the committee on foreign affairs. It would involve the laws of nations with regard to the right of search upon the high seas in time of peace; to the self-consumption of slaves on the coast-guarding the cases of the Enterprise, Hermosa and Creole; to sundry unconstitutional state laws in the south; to the mediated war with Mexico and annexation of Texas to the United States; and to the purposes disclosed by the secretary of the navy in his recent celebrated and well known speech, in which Mr. Adams deigned to use as a part of the argument on which he will rest his defence.

Mr. A. here yielded to a motion by Mr. Everett, that the house adjourn, which motion prevailing, the house adjourned.

THIRTY-SEVENTH CONGRESS, SECOND SESSION.

SENATE.

FEBRUARY 8. Mr. Benton presented a memorial from citizens of New York urging a repeal of the bankrupt law. He said the object of the memorial was to express the apprehensions of its opponents and in support of it, he read an extract from Bennett's Herald of New York. He hoped it would soon be repealed or amended.

Mr. Tallmadge presented memorials in opposition to any interference with the law. He then addressed himself to the course of the gentleman from Missouri who had said that he was not a democrat, and he conquered all things. There was to be no quiet—The senator had declared this to be a party question. It was not so, and its only party character had been given to it by the senator from Missouri. But for his opposition the law might before this have been introduced.

Mr. Adams, in a speech, in which he alluded to a sacrifice of the benefits of the union, and a dissolution of the union itself, Mr. Adams, we hear, is doing in reality, to verify the predictions which we made some years since, that one of the duties of government, and one which had dreamed could be accomplished by any man. It is seeking a vindication of its course to the public sentiment, as expressed through the public press. He had to try to create a public opinion, and his course of argument in any thing which may fall from us, and we shall not be driven from this course by any imputations of selfishness towards those whom his constituency term the "unholy combination of slaveholders."

proved or amended. The liabilities of those debtors who had already applied for its benefit had been stated by the senator as amounting to upwards of \$5,000,000. Could any fact present a stronger argument in its favor? Had the senator no heart to feel for the distressed many men whom his own course had mainly contributed to their misfortunes and those of the country?

Mr. Benton here interrupted the debate by exclaiming, "it is false, sir," and a long discussion ensued upon the course proper to pursue for such violations of order. After the discussion had ended without the adoption of any proposition.

Mr. Tallmadge continued his remarks in order and concluded by hurling back the insult with contempt. Mr. Clay's resolution of enquiry as to the disposition of the rejected quotas of the land fund was taken up, and over an individual subject of Mr. S. Srivier to have it laid on the table, it was adopted as proposed by Mr. C. by a vote of 25 to 18.

Mr. Walker submitted a resolution calling for full information respecting the convention for the settlement of claims between the United States and Mexico.

Mr. Linn submitted the following:

Resolved, That the president of the United States be requested to communicate to the senate, if not incompatible with the public interests, all the information in his possession in relation to the proposed outrages committed by the Mexican citizens or people on the persons and property of the American consul and other American citizens residing at Santa Fe and northern provinces of Mexico.

The senate then proceeded to the consideration of executive business, and, after some time spent therein, adjourned.

FEBRUARY 9. Mr. Tallmadge presented a memorial from citizens of St. Louis, Missouri, remonstrating against repeal or postponement of the bankrupt law, and expressed his gratification at this evidence in its favor from that section.

After some remarks of Mr. Linn expressing regret if it should be regarded as the opinion of his state, it was referred.

The resolution of Mr. Evans calling for information from the secretary of the treasury for the comparative tariffs of foreign nations, was taken up and adopted.

The senate then proceeded to the consideration of the amendments proposed to the constitution by Mr. Clay.

Mr. Archer delivered a speech in opposition thereto after which the senate adjourned.

FEBRUARY 10. Memorials in relation to bankrupt law continued to be presented.

The resolution, and the memorial submitted since by Mr. Prentiss, calling for information and relating to the commission appointed to investigate the affairs of the N. Y. custom house was taken up; when

Mr. Clay begged leave to say a word or two on this subject. If any commission was ever demanded in the government to discover the expenses of any office, it was that connected with the N. Y. custom house. He had heard that upon a revenue of less than eight millions of dollars there had been an expenditure of 8 per cent.—a sum greater by 3 or 4 per cent. than when the revenue was \$16,000,000. The expense of collection at the New York custom house when John Adams Thompson was collector, was less than one-third what it was now. There was no reason for this increase.

Mr. Woodbury wished to correct the senator from Kentucky as to the expenses of collection. The goods imported into New York had increased from \$100,000,000 to \$180,000,000, and it was obvious that the increase of this importation led to an increase of the expenses of collection, and that the diminished receipts should have led to a corresponding reduction of expense. He did not hold himself responsible for this.

Mr. Clay did not mean to enter into this discussion now. There was no apology for the augmentation of officers, or such an increase of expenses as had been incurred. They had been augmented far beyond the increase of revenue. He wished the matter probed to the bottom.

The resolution of inquiry was then laid upon the table, on motion of Mr. Clay.

And the senate proceeded to consider the bill confirming certain land claims in Louisiana.

The bill, after having been explained by Mr. Benton, was ordered to be engrossed.

The senate then proceeded to an executive session; and, after some time spent therein, adjourned.

FEBRUARY 11. The president of the senate laid before the body resolutions of the citizens of Iowa territory, asking the survey and purchase of a tract of country owned by the Sac and Fox Indians.

Mr. Evans, from the committee on finance, reported the bill from the committee for the protection of American seamen, without amendment.

*From the Boston Advertiser of February 9th.

It is extremely curious also in Mr. Adams to be so ready to impute a personal motive, for the episode in the proceedings of the senate, to a public and political motive assigned as of course to be taken in an ironical sense, for no one can suppose that Mr. Adams intended to impute to us, seriously, a disposition to use more conciliatory measures towards the south in connection with the war to which he alludes. The real purpose of his remark, doubtless, was to reproach us, for not having manifested a proper degree of intonation and resentment at the insult as it was regarded by the southern people, and through him to the whole people of the north. But as we do not feel the force of the reproach, we have no inclination to reply to it. We do not reason as Mr. Adams does on these matters. We have no room for a personal or local feeling, to pursue a course which, without a pretext of the slightest local or national advantage to be gained, tends with the utmost certainty

Also, the bill making appropriations for the pensions of Is-12.

On motion of Mr. E. these bills were taken up, and, after being carried in committee of the whole, were read a third time and passed.

On motion of Mr. Clay, the senate proceeded to the consideration of executive business; and, after some time spent therein, adjourned to Monday next.

FEBRUARY 14. Mr. Pierce moved to take up the resolution submitted by him some eight or ten days since, calling for information in relation to the commission appointed to investigate the abuses said to have existed in the New York custom-house.

Mr. P. said it was intimated that he was opposed to obtaining information. Far from it. He had no desire to suppress information, and he did not doubt that investigation was needed at the New York custom-house. He was anxious that all corruption should be exposed, whether pertaining to the preceding administration or the present. The commission had been ten months in existence, and, if all the information could not be given, he hoped that such as was ready might be presented. If any partial information in the department, it would doubtless be withheld by the secretary of the treasury until it was full enough to do justice to all parties. He hoped no objection would be offered to the resolution, which was simply one of inquiry.

Mr. Clay was very glad to hear the senator from New Hampshire say that he was in favor of bringing all the light upon the abuses in the New York custom-house. With great deference to the senator, he must say that his resolution implied some objections to the investigation which had been ordered in the case of the New York custom-house. In regard to the authority by which this investigation was asked, he sought information. In regard to the authority to report upon the appointment of a commission, he did not concur with some that this authority was found in the power and duty to see the laws executed. He believed it to be upon the contrary, and he made the remark without any reference to the present executive; for there had long been a precedent for it—a great abuse of power. It was the thought, a gross abuse of power to allow the appointment of a commission, when the effect might lead, if there was a disposition to abuse power, to the worst consequences. He had learned last night, in a conversation with a friend, that a late secretary of war had sent some young gentlemen to improve themselves in the school of horsemanship. [Laughter.] If they had been sent among the Camanches he should not have been so much surprised, but to appoint young men to go to France to learn their style of horsemanship he thought was a stretch of power a little beyond anything he had before heard of. This very commission, now under consideration, he believed was instituted by a man whose memory was dear to us all, and who probably acted without sufficient reflection. What he said, therefore, had no particular reference to it. He spoke of the exercise of such a power as being unwarranted by the constitution, and that great abuse of congressional authority which he believed, and which he would wait awhile they would have the report, and, if he was not much mistaken in the information he had received, they would have more of it than their stomachs could bear.

Mr. Pierce said he was not acting with hot haste, nor was he the man to resist the inquiry to get at the information.

Mr. Clay. Nor am I.

Mr. Pierce continued. He had great respect for the vetoes of the president. But he was not the president of his friends. They had as much as they could do to be responsible for their own acts.

In regard to this subject, he had high objections. When a power is given, he thought it was proposed to him, was it not proper that such information should be given? He sought the truth, and nothing but the truth. If the report of the commission was to come, and was, as the senator said, in the course of preparation, what possible objection could there be to his constitution. He saw some what in it so strange to him, that he could not meet with opposition from any quarter whatever.

Mr. Mangum said in regard to the authority by which the commission was appointed, he thought there was no unnecessary exercise of power in the appointment. It was desirable that the commission should be continued until it could be heard of. He had understood that all the information desired had not been obtained by the commissioners. It might be that they had been thwarted in their investigation,

and that it would be necessary to continue the investigation under the authority of the two houses of congress—authorized by any influence from any department whatever. He had no reflections to make upon the head of the treasury department. Further this document said not.

Mr. Buchanan said, in reply to the senator from Kentucky, (Mr. Clay), that he concurred with him as to the authority of the commission, or any commissions. There was no such power vested in the president. After the exercise of his duty to see the laws executed, in regard to the New York custom-house, he believed for four months it had been a hot-bed of corruption, and he wished for information in regard to it. The New York custom house was now under the control of the friends of the senator from North Carolina, from Mr. Curtis down. What need, therefore, for an investigation, he would ask?

In regard to the statement of the senator from Kentucky, that the departments and offices were in the possession of the opponents of the administration, he thought that such was not the fact. He had called for information upon this point at the extra session of congress, but had not got the information which he desired. He had called for it upon the present session, and when the information was received, it would be known who held the offices. Mr. B. was in favor of the utmost latitude of inquiry in regard to the New York custom house, and he hoped the resolution would be adopted without delay.

Mr. Clay said before this time that a little of what Mr. Buchanan had been infused into the senator from Pennsylvania. He had, however, admitted something in admitting so much as that there was no authority in regard to the appointment of commissions to have been claimed for him. So far, he had become a good whig, and he looked forward with pleasure to the time when he would repudiate the religion and patriotism of true whig principles. Mr. C. then referred to the abuses of power under the color of being an executor of the laws, abuses put forth in the doctrines of the proclamation, in the act for the removal of the deposits, in the appointment of agents to travel abroad, and in kindred matters. Mr. C. proceeded to reply more particularly to the senator from Pennsylvania, (Mr. Buchanan). He was glad to avail himself of the concession of the senator from Pennsylvania, that there had been abuses in the New York custom house, and under the administration of Samuel Swartwout, when the senator from Pennsylvania said that he had before been a whig candidate for the vice presidency. The gentleman could not escape from the responsibilities which grew out of the administration of Mr. Swartwout. He was appointed by that man of iron will, General Jackson, against the request—and he was glad to do justice to a political opponent here—and Mr. Van Buren, who was the author of the appointment of Mr. Jesse Hoyt? He was appointed by Mr. Van Buren. And were we responsible for the administration of affairs under Mr. Hoyt?—or under Mr. Swartwout, before he became, as the senator said he did become, a candidate for the vice presidency? Mr. C. proceeded to comment upon the increase of expense and augmentation of officers under the administration of the different collectors of New York, and concluded that there had been a gross and intolerable abuse of power.

Mr. Buchanan would not consent that the great crime should be avoided, or that it should be brought down to Samuel Swartwout, or the custom house of New York. He would refer to Mr. Swartwout on two terms. Then Mr. Van Buren refused to reappoint him. General Jackson appointed him because he thought him an honest man. We were all, however, liable to be mistaken in regard to public men; and, once finding out our error, all that could be done was to remove the obnoxious officer. Mr. B. thought also, that he had not been convicted of inconsistency in regard to the authority by which this commission was appointed, or any commission. He believed the authority was not vested in the president, and that it must come from congress. His opinion was now, upon this subject, what it always had been, and no inconsistency had been pointed out.

Mr. Clay. In regard to the officers in the government, he would say that they had not been long enough in office to correct all the abuses of the government which had existed for so many years. They were not long enough in office to ferret them out. It was a long time to wait until the relations of the whig party had not been of that confidential character necessary to success. It was known, too, that the heads of the present departments had not been there for more than five months—that changes had been made growing out of a different administration. It was not surprising, then, that the animals of no country had exhibited such determined adherence to principle as had been main-

tened by the whigs since November last. Had it been otherwise, they would not have refused terms with the executive. They seemed to abandon their principles, and would receive patronage for themselves and their friends upon so such terms. And yet gentlemen who visited the executive mansion in crowds, and were praising him every day, were calling upon us before there was time to make reforms, to correct abuses which had existed for years. This puffing and praising of the president, from whom the whigs in congress were most unfortunate, was a gross abuse of the purpose then to mislead the president. He would not impeach the motives of gentlemen who made these advances. He would not say what their motives were. He would state what was his conviction, and that was, that the gentlemen had no design of supporting the executive in any of his public measures.

Mr. Buchanan said in regard to the administration, he had done no more than to defend the head of it for his two vetoes. He believed the president to be a very honest or amiable—[laughter]—amiable and honest man, but nothing had been said in his defence by his opponents, except upon these two questions. Upon all other questions they had been in concurrence of opinion between the president and the whigs in congress. He regretted that there was not more unity of opinion between them, and that there seemed no party in the senate to defend the president.

Mr. Clay said he regretted also, and most deeply, the state of relations which unhappily existed between the executive and the legislative branches of the government. He could appeal to the senator and the senator's friends, that he had endeavored to avoid it. We found, as one inheritance, an empty treasury, a bankrupt government, embarrassment everywhere. Other complications there had been, the necessities, and how had we been aided in this state of embarrassment by the gentlemen interested as much as us in the preservation of the honor of the country? Gentlemen had opposed us in all our efforts to relieve the government in most of the measures of the extra session. He thought, in this opposition, gentlemen had not dealt with their opponents as they had been dealt by, when they were in power, and had a right to prescribe their own forms of measures.

The gentlemen with whom he acted here were disposed and would support the administration wherever they could, and in regard to the other things, which they hoped would result in good, particularly as the spirit of patriotism seemed to be invoked by men of all parties. Mr. C. referred to the acts of the extra session of congress, and particularly to the two bank bills, for the purpose of saying that he had been misunderstood in being understood to oppose the bills without any qualification. Much in the two bills he did oppose, and he had looked forward to improve them in supplementary bills.

Mr. Buchanan said he would say no more now to continue the discussion, but upon a future occasion he should show that the opponents of the administration had been justified in their opposition to the loan and other bills.

Mr. Clay. Very well, sir. "Come on Macduff." Mr. Calhoun said he would not have said a word, if the senator from Pennsylvania (Mr. Buchanan) had not accused him of defending the system of economy by a moral declamation.

Mr. Buchanan rose to explain, and said there was nothing in the world further from his intention than to reflect upon the senator from South Carolina. He had said so in public and private, and upon all occasions. All he meant to say was, that reform could never be accomplished by general discussion. Detail

was necessary. Mr. Calhoun said he did not understand the senator from Pennsylvania. It was inferred that he had by general discussion sustained the reform proposed, when he had gone on, and at great personal labor, to show details for the accomplishment of reform. Mr. C. said he was for reform, and the only way to accomplish it was by correcting erroneous opinions in regard to the protective system, and the taxing power. We robbed the people in levying taxes. It was plunder and nothing more, and reform and retrenchment could be accomplished in no other way than by correcting the erroneous doctrines which had grown up here in regard to taxing. He had voted alone in the vote on the bank bill, and would have to go on and vote alone, as he certainly should.

Mr. Buchanan said he found himself between two fires—the senator of Kentucky on the right, and the senator from South Carolina on the left. He had not said that the senator from South Carolina had made a speech upon mere generalities. He only said that the reform could not be accomplished by general remedies. They pointed out the remedy only.

Mr. Woodbury explained the action of the opponents of the administration in opposing the loan bill of the extra session. These reasons were the same as before given—an objection to the mode, and the opinion that the money asked for was not wanted at the time. In regard to the increase of expense in the New York custom house, Mr. W. contended that the increase, from the administration of Jonathan Thompson, had not been more than the imports, which added proportionately to the labor. Mr. W. after commenting upon the land bill briefly, entered into some comparison and detail to sustain his position.

Mr. Clay hoped the fact that a new opponent had come into the field would be an excuse for his furthering the discussion. The senator had spoken of the land bill as a measure which had taken a large amount of revenue from the department—an amount equal to three millions of dollars—when, as the senator must know, and as he did know, there were not eight hundred thousand dollars which had been derived the last year from this source, or which could be derived from it. The facts of the senator existed but in his imagination. It was known, too, that the land bill did not go into operation, and the present year, therefore, the receipts of the revenue could not be by any possibility of means have affected the receipts in the treasury. Was there, therefore, any excuse on the part of the senator, that as a patriot, he could oppose measures necessary to keep the government alive? And did the senator say that all other matters would be neglected because the land bill had been sustained and carried through, after a ten years' consideration in both houses of congress and an ultimate approval by the people? Will he persist, too, in saying that the land bill extracted three millions from the treasury, when he knows that nothing like three millions can be realized this year, and next year, except the times altogether improved, and that any thing we have had here has a right to expect—and he would once more hint it to the senator from New Hampshire, if he could find excuse for withholding supplies by refusing, as he had, to vote for a bill even imposing a tax upon mere luxuries?

Mr. Woodbury contended, in reply to the senator, that the land bill had been in the market for the last ten months, and that thus no revenue had been put into the treasury from the sales of land.

After a few words further, the resolution was laid upon the table by yeas 19, nays 17.

FEBRUARY 15. The president of the senate laid before the body a communication from the war department, containing a report of the general in chief, instant, calling for a survey of the north and north-western lakes, submitting the survey of the topographical engineers.

Mr. Clay said that several days ago he intimated his intention of offering various resolutions upon various matters of public moment. It was not his intention to have them considered at this time, but merely to have them laid upon the table, and, as it was usual upon such occasions, he had consulted with his friends as to the resolutions. With most of them there was a concurrence of opinion. With two or three, in reference to one of the resolutions, there was a diversity of opinion, which he hoped would be reconciled during the discussion.

The resolutions are in the following words, viz: That the duty of the department of revenue, in connection with the treasury, in the management, for conducting its administration, to provide an adequate revenue within the year to meet the current expenses of the year; and that any expedient, either by loan or treasury notes, to supply, in time of peace, a deficiency of revenue, either at the present year, or hereafter, is unwise, and must lead to pernicious consequences.

2. Resolved, That such an adequate revenue cannot be obtained by duties on foreign imports without adopting a higher rate than twenty per cent, as provided for in the compromise act, which, at the time of its passage, was supposed and assumed as a rate that would supply a sufficient revenue for an economical administration of the tariff.

3. Resolved, therefore, That the rate of duties on foreign imports ought to be augmented beyond the rate of twenty per cent, so as to produce a net revenue of twenty-six millions of dollars—twenty-two for the ordinary expenses of government, two for the payment for an existing debt, and two millions as a reserved fund for contingencies.

4. Resolved, That in the adjustment of a tariff to raise an amount of twenty-six millions of revenue, the principles of the compromise act should generally be adhered to, and that especially a maximum rate of ad valorem duties should be established, from which there ought to be as little departure as possible.

5. Resolved, That the revenue in the act of the extra session, requiring the distribution of the proceeds of the public lands, requiring the operation of that act to be suspended in the contingency of a higher rate of duty than twenty per cent, ought to be repealed.

6. Resolved, That it is the duty of government, at all times, but more especially in a season such as now ex-

ists, of general embarrassment and pecuniary distress, to abolish all useless institutions and offices, to curtail all unnecessary expenses, and to practice rigid economy.

7. Resolved, That the contingent expenses of the two houses of congress ought to be greatly reduced, and the mileage of members of congress ought to be regulated and more clearly defined.

8. Resolved, That the expenses of the judicial department, and of late years, have been greatly increased, and ought to be diminished.

9. Resolved, That the diplomatic relations of the United States with foreign powers have been unnecessarily extended during the last twelve years, and ought to be reduced.

10. Resolved, That the franking privilege ought to be further restricted, the abusive use of it restrained and curtailed, and the postage on letters reduced, the great estimating distances more clearly defined, and the pre-paid, and a small addition to postage made on books, pamphlets and packages transmitted by the mail, to be graduated and increased according to their respective weights.

11. Resolved, That the secretaries of state, of the treasury, of war, and of the navy departments, and the postmaster general, be severally directed, as soon as practicable, to reduce the offices which can be abolished, and the last reinforcements of public expenditure can be made, without public detriment, in the respective branches of the public service, to the least possible charge.

Mr. Clay named Thursday week for their consideration, if there were no objections.

Mr. Calhoun suggested that on that day the senate should resolve itself into committee of the whole on the status of the union. The resolutions proposed a committee of compromise and, and another of the various measures, all of which were most important.

Mr. Clay had no objection to the suggestion if the senator from South Carolina desired it. He did not mean to anticipate discussion, but, when the subject came up, he should endeavor to show that the measure was the chief of the committee, and that it was sure he could show this, or at any rate should make the effort. When the resolutions came up, the senate could then act upon the motion, to go into committee of the whole.

The resolutions were then ordered to be printed.

Mr. Merrick's resolution to the following effect was then taken up:

Resolved, That the following be added to the 20th rule of the two houses: "No amendment which proposes to appropriate money not called for by some pre-existing law, shall be made in either house by any general appropriation bill."

The resolution was opposed by Mr. Smith, of Indiana, and advocated by Messrs. King and Merrick, when Mr. Clay said he was in favor of the principle of the resolution, and thought it necessary to make the objection, and therefore moved to lay it on the table; which motion was agreed to.

The resolution submitted a few days since by Mr. King, fixing the day of adjournment, was taken up, discussed, and laid on the table by a vote of 21 to 16.

On motion of Mr. Benton, the bill to postpone the operation of the bankrupt law to the 1st of March, 1843, was taken up for consideration, and considered as in committee of the whole; and there being no motion to amend, it was reported to the senate.

Mr. Rives very briefly stated his reasons for opposing the bill. These reasons were that the action of the senate had been given upon a question which he had voted against the bill originally, and voted for the repeal of the bill at this session. He now held himself ready to vote for any amendments which might be introduced, or for a repeal of the bill; he had not been convinced of the propriety of the law by any thing he had heard in its favor, but it was time the public mind was quieted in reference to this question; and that it might be so he should vote against postponement. The yeas and nays were then ordered upon the engrossment, and were as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Callahan, Fulton, Graham, King, Linn, McKelvey, Perce, Sevier, Smith, of Connecticut, Sturgeon, Thayer, Waller, Woodbury, Wright, Young—18.

NAYS—Messrs. Barrow, Bates, Berrien, Chase, Clay, Clayton, Evans, Henderson, Huntington, Kerr, McKim, Morris, of New York, Norcross, Plattsburgh, Prentiss, Rives, Smith, of Ind., Soudland, Tallmadge, White, Woodbridge—23.

And so the bill was lost.

The senate then proceeded to the consideration of the order of the day, being the resolutions of Mr. Clay proposing an amendment to the constitution of the United States.

Mr. Morehead, of Ky. addressed the senate in reply to the arguments of Mr. Preston and Mr. Buchanan, both of whom had advocated the existence of the veto power and opposed the proposed amendments of the constitution. He discussed the question in general terms, in detail, and endeavored to confute the idea of the senators from Pennsylvania that the veto power was a democratic power, and that there had been no abuse of it against the people.

The precedents in Roman and in our own history were cited for the purpose of showing that the veto power had been exercised with no respect or regard for the people. The idea that the power was democratic was ridiculed, after showing that the power was federal, and had been always so regarded.

Mr. Morehead then stated the power which Alexander Hamilton advocated, and had been shown to this that a democratic senator, *par excellence*, was found side by side with the strongest advocate of ancient federalism.

The views of Gerry, Franklin and Mason were quoted, all of whom were opposed to the exercise of this power as in no way harmonising with our government.

Mr. M. having concluded, the senate proceeded to executive business, after which the senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, FEB. 8. The speaker resumed the call for petitions.

When the house adjourned last evening, Mr. Fessenden had presented a memorial from the town of Portland, in relation to the trade with the British colonies, and had moved its reference to the committee on foreign affairs, and that it be printed. (Pending which motion, the house, for want of a quorum, had adjourned.)

And the question now recurring on printing the said memorial.

Mr. Fessenden remarked that it was at first his intention to move that it be committed with instructions; but, on further consideration, he was satisfied that it should receive the careful investigation of a committee. He would state briefly the substance of the memorial, in support of his motion to print.

The subject was one of great importance, and the memorial was exceedingly well drawn, and stated many important facts. It was predicated upon the arrangement entered into between this country and Great Britain in 1830, in reference to our trade with the colonies of that country. Before that arrangement was made, we were in the enjoyment of a valuable, though indirect, trade with the British West Indies. The effect of the present arrangement had been to cripple our own commerce, and to increase the commerce with Great Britain, employed in British colonial intercourse, in a remarkable degree. He would mention, as a fact, that whereas, at the time the arrangement referred to was made, nine-tenths of that intercourse was carried on in American vessels; the amount of British and American tonnage employed in it was now about equal. The trade between New England and the British colonies and possessions has now become of little or no value. Upon his own state the effect of this arrangement had been peculiarly disastrous. Before it went into operation, Maine had ten thousand tons of shipping employed in the trade with the British North American colonies; and it was now reduced to a third of it entirely, while the shipping of the colonies has been increased four-fold, and they have all the advantage of a direct and unembarrassed trade with this country.

He would not now go into an examination of the particulars of this bill, but would leave that to a future and more proper opportunity. His design was to give an outline of its contents, with a view that the house might order it to be printed.

The petition was then ordered to be printed, and was referred to the committee on foreign affairs.

Mr. Fessenden gave notice that he would, at the earliest opportunity, offer a resolution to repeal the 21st rule; which is in the following words:

"No petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia, or any state or territory, or the slave trade between the states or territories of the United States in which the resolution has been received by this house, or entertained in any way whatever."

Mr. Cushing moved to reconsider the vote of yesterday by which the house had refused to receive the petition from citizens of Haverrill praying a dissolution of the union.

The speaker said that the petition itself could not be debated, neither could the motion now made to reconsider.

Mr. Cushing wished now to debate the question of reception, but was overruled by the speaker, and having appealed, the speaker's decision was sustained by the house.

The motion to reconsider will come up in its regular order when Mr. C. will be entitled to the floor.

The unfinished business of the morning was the following resolution, heretofore introduced by Mr. Selden, from the committee on manufactures:

Resolved, That the committee on manufactures be authorized to send for witnesses and take testimony on

the press at tariff laws, their operation upon the interests of the country, and the alteration which those interests may require.

Mr. *Tidlingham* addressed the house in support of the resolution.

Mr. *J. F. Brown* offered the following amendment to the resolution:

"Provided said committee shall not take the testimony of any person or persons interested in the subjects about which they may be examined."

Messrs. *Brown*, *Wood*, and *Saltstall* successively addressed the house, and Mr. *Wood* was in the course of additional remarks when—

Mr. *Fillmore* rose and inquired of the speaker whether the morning hour had not expired?

The speaker said it had expired.

On motion of Mr. *Fillmore*, the house resolved itself into committee of the whole on the state of the union, (Mr. *Briggs*, of Massachusetts, in the chair.)

Mr. *Fillmore* moved that the committee take up the bill for the relief and protection of American seamen.

Having been read it was laid aside to be reported to the house.

The committee then took up the bill for the appropriation of pensions for 1842, which after being read was laid aside to be reported to the house.

The bill for civil and diplomatic appropriations for 1842 was then taken up after some consideration the committee rose, and the chairman reported the two said bills to the house, and also reported progress on the general appropriation bill.

On motion of Mr. *F*, it was then ordered that the pension bill and the bill for the protection of American seamen abroad be engrossed for a third reading to-morrow.

Mr. *McKen*, on leave given, offered the following resolution, which was adopted:

Resolved, That the president of the United States be requested to communicate to this house any correspondence it may deem inexpedient with the public interest, between his government and the governments of Great Britain, and this government and the executive of the state of New York, in relation to the colonial history of the state of New York.

Mr. *Cross*, on leave given, offered the following resolution, which was adopted:

Resolved, That the clerk of the house be directed to cause the report of the boundary line of Texas, with the survey of the same, to be printed, as recommended by the committee on the subject.

The speaker laid before the house the following communications:

A message from the president of the U. States, transmitting a report and letter from the commissioners appointed for the exploration and survey of the boundary line between the states of Maine and New Hampshire, and the contiguous provinces. Referred to the committee on foreign affairs.

Also, a message from the president of the United States, transmitting a report of the director of the mail, showing the operations of the same for the year 1841.

A letter from the secretary of war, transmitting an abstract of the returns of the militia of the several states and territories, with their arms, accoutrements, &c. up to the latest returns. Referred to the committee on the militia.

A letter from the commissioner of patents, transmitting the annual list of patents.

And, on motion of Mr. *J. T. Mason*, the house adjourned.

WEDNESDAY, FEB. 9. Mr. *Gilmer* sent to the speaker's table two papers, or letters, which he desired to present, having reference to a question of privilege, involving the reading of the two letters was called for, and they were read.

The first is as follows:

To the hon. speaker of the house of representatives:

The undersigned, members of the committee on foreign affairs, respectfully ask the house to excuse them from further service on that committee. Recent occurrences induce them to doubt whether the removal of the present chairman by the committee would meet the approbation of the house, and they are unwilling to serve with a chairman who has avowed opinions and persevered in a system of conduct which, in the estimation of that committee, has shown him to be an unsafe depository of this public trust, or of that confidence which is necessary to the relations between a chairman and the members of such a committee.

THOMAS W. GILMER,
R. T. H. VIGOR,
J. B. BARNWELL, ALBERT,
GEORGE H. PROFFITT.

February 8, 1842.

Mr. *Gilmer* called for the reading of the second letter which was read as follows:

Tuesday Morning, Feb. 8, 1842.

DEAR SIR: In compliance with the request of the committee on foreign affairs

this morning. But if it should be of the slightest importance to know what would be my course upon the vote for electing a chairman, after the remarks of Mr. Adams in the house, and after his course in the committee in himself urging a member to move an election of chairman, and the member of his disclosing and using the minutes of the committee, I will say that for me to vote for him would be, after these circumstances, to endorse his sentiments, and to sanction his conduct, which I cannot do. Therefore, I should be bound in my sense of public duty to vote for some other person as chairman.

It would have been agreeable to my feelings if I could have been relieved from serving on the committee for several weeks past.

You are at liberty to make known the contents of this communication. Very respectfully, yours,

W. C. COST JOHNSON.

HON. T. W. GILMER.

The speaker. The chair understands that the four gentlemen whose names are appended to the communication first read wish to be excused from further service.

Mr. *Gilmer* nodded assent.

Mr. *Stanly* suggested that the question should be taken on all the four names.

Which proposition was acceded to, and the question being put, the four gentlemen above named were excused from further service as members of the committee on foreign affairs.

Mr. *H. C. Johnson* then asked that he also might be excused.

Which motion being agreed to, Mr. *J*, was excused.

Mr. *Jones*, at a subsequent period of the day, moved that five members be appointed on the committee of foreign affairs, in place of those excused this day.

Mr. *Briggs* was understood to say that that, of course, could be done on the suggestion made.

The speaker said he so understood.

Mr. *Wise*, from the committee on naval affairs, reported a bill to authorize the appointment of a board for the preparation of rules and laws for the regulation and government of the navy, and a bill to recognize the navy department of the United States.

Mr. *Wood* resumed his remarks of yesterday upon the resolution of the committee on manufactures asking power to send for persons and papers. He repeated that the committee were so constituted that it was impossible to expect an impartial report, but even if it were not so, there was not time, although the session had been prolonged to the dog-days, for the investigation as proposed.

Mr. *W*, then referred to a tariff report in the British house of commons, made under the circumstances which the committee desired, which was not completed after a sitting from April to August.

Mr. *W* then said that he would say that Mr. *Hume*, stated, in giving in their report, that it had not been perfected from want of time. Again, he objected to the proposition, because, if any investigation of the sort was to take place, it ought to be made by a joint committee of both houses.

Mr. *L. Williams*, with a view to end debate upon this proposition, moved to lay the subject on the table.

Mr. *Fillmore* moved to postpone the further consideration of the question, which was agreed to and the pension appropriation bill was taken up and passed.

The bill for the relief of American seamen in foreign countries was passed.

At three o'clock the house adjourned.

During the adjourning a man in the gallery addressed the assembly, and was removed by the sergeant.

THURSDAY, FEB. 10. The speaker announced the following members of the committee on foreign affairs, in the place of those named yesterday, who were excused from further service to-day:

Mr. *E. D. White*, of Louisiana; Mr. *J. H. Shepherd*, of North Carolina; Mr. *Lucas E. Holmes*, of S. Carolina; Mr. *R. Chapman*, of Alabama; and Mr. *J. Cooper*, of Georgia.

The adjourned business of the morning hour was the following resolution, heretofore reported from the committee on manufactures:

Resolved, That the committee on manufactures be authorized to send for witnesses and take testimony on the subject of the present tariff laws, their operation upon the interests of the country, and the alteration which those interests may require.

To which resolution Mr. *Brown*, of Tennessee, had heretofore offered the following amendment:

"Provided said committee shall not take the testimony of any person or persons interested in the subjects about which they may be examined."

And the question immediately pending was on the motion of Mr. *Lewis Williams* to lay the whole subject on the table, and was taken and decided in the affirmative yeas 108, nays 79.

Mr. *Thompson*, of Mississippi, the house took up the bill entitled "an act to provide for

the early disposition of the lands lying in the state of Alabama, acquired from the Cherokee Indians by the treaty of 29th December, 1835."

Which was read a third time and passed.

The resolution reported yesterday by the gentleman from North Carolina (Mr. *Stanly*) from the committee on public expenditures authorising that committee to employ a clerk, was then adopted by yeas 113, nays 58.

The house then resolved itself into committee of the whole and resumed the consideration of the bill making appropriations for civil and diplomatic expenses for 1842, and after some time spent in its consideration, the committee rose and reported the bill to the house. After which the house adjourned.

FRIDAY, FEB. 11. Mr. *Boardman*, on leave given, offered the following resolution, which was adopted:

Resolved, That the committee on commerce be instructed to inquire into the expediency of establishing a system of Electro Magnetic Telegraphs for the use of the government of the United States.

Mr. *Medit* asked leave to offer a resolution calling for information concerning the commission of inquiry instituted on the public buildings of this city last spring. Ordered to be read and be printed.

The resolution reported by Mr. *Saltstall*, from the committee on manufactures, authorising that committee to employ a clerk was taken up. Mr. *Saltstall* advocated it. Mr. *Brown*, of Tennessee, opposed it.

Mr. *Randolph* said that yesterday the house had refused to give the committee on manufactures power to send for witnesses and take testimony, and now the power to appoint a clerk was assailed. This course of proceeding was certainly strange, after the house had committed to the committee on manufactures that portion of the president's message relating to discriminating duties. Why, what were the committee to do this without practical information? Great Britain; in that ten articles produced nine-tenths of the revenue arising from customs, but our tariff embraced over thirty-seven hundred varieties of articles, on which the committee were required by the house to report a bill for discriminating duties. How were they to do this without practical information? The refusal yesterday to grant the power to take evidence, so far from being an argument against this resolution, as was supposed by the gentleman from Tennessee, (Mr. *Brown*), is an argument in its favor. They needed light. But he, when it is proposed to authorise the committee to take evidence, whether the expense is ten groats to that also, yes, the expense of hundreds, when millions, nay, the interests of the whole country, are at stake? He objects to the power to send for and examine witnesses under oath, because the information can be obtained otherwise; and when a clerk is asked for to obtain testimony, he objects to that also, because the house refused to authorise the committee to send for witnesses. This was certainly strange, but perhaps not more so than the objection of the gentleman to the composition of the committee—that a majority of them were in favor of protection.

If any persons are distinguished with the committee, the manufacturers themselves might be; for he believed there was not a single manufacturer, or person engaged in manufactures, on the committee, and not above one member who represented a decidedly manufacturing constituency. The chairman came from a commercial district, and six or seven members represented agricultural districts.

Mr. *Thuray* moved that the resolution be laid on the table.

The yeas and nays on that motion were ordered; and, being taken, were: yeas 88, nays 88, (a tie vote.)

The speaker then voted in the negative; whereby the vote stood yeas 88, nays 89.

So the resolution was not laid on the table.

Mr. *Brainerd* then offered a motion that the resolution be laid on the table.

Mr. *Brainerd* asked the yeas and nays on that motion; which were ordered; and, being taken, were: yeas 97, nays 89.

So the resolution was laid on the table.

The house adjourned.

SATURDAY, FEB. 12. Petitions and memorials were presented and referred. The resolution heretofore offered, asking that the committee on private land claims be allowed a clerk, after some debate, was laid on the table.

Mr. *Ewerd* asked leave to offer a resolution providing that the committee of the whole be discharged from the consideration of the bill relating to the apportionment of representatives. Also, that the bill be made the special order for Tuesday next, at 12 o'clock, and every day thereafter until finally disposed of. Likewise, that on Tuesday the 22d inst, all debate shall cease, and the question taken on all amendments shall be decided by the order of objection being made, the resolution was not entertained.

A motion was then made to reconsider the vote by which the resolution assigning a clerk for the committee on private land claims, had been laid on the table. It was urged that the claims are now in wards of four hundred cases before the committee, many of which grow out of French and Spanish grants; and the papers of course being in those languages, render it impossible for the committee to examine them. Hence, the services of a clerk understanding the languages is necessary. The motion to reconsider was carried, when a motion was again made to lay the resolution on the table. A division being had, the motion to lay on the table was carried by a majority of three.

The speaker, who had before the house the following executive communication:

Washington, Feb. 9, 1842.

To the house of representatives:

In answer to the resolution of the house of representatives of the 7th of February, 1842, in the following words: "Resolved, That the president of the United States inform this house under what authority the commission, consisting of George Fendexter and others, for the investigation of the concerns of the New York custom-house, was raised, &c." I have to state that the authority for instituting the commission mentioned in said resolution, is the authority vested in the president of the United States to take care that the laws be faithfully executed, and to give to congress from time to time information on the state of the union; and to recommend to their consideration such measures as he shall judge necessary and expedient.

It is a well known principle, and the necessity of inquiries into the transactions of our custom-houses, especially in cases where abuses and malpractices are alleged, must be obvious to congress; and that investigations of this kind were expected to be made, appears from the provision in the 21st section of the Statute of 1793, which enjoins collectors of the customs to submit their books, papers, and accounts to the inspection of such persons as shall be appointed for that purpose.

The purposes and objects of the commission will be explained by the commission itself, a copy of which, together with information on the other subjects mentioned in the resolution, will at the proper time be laid before congress.

Laid on the table, and ordered to be printed.

The senate bill entitled "an act confirming certain land claims in Louisiana," was taken up, read twice, and referred to the committee on private land claims. Several other senate bills, and a private name, were also read twice and appropriately referred.

On motion of Mr. Gilchrist, the house then resolved itself into a committee of the whole, and resumed the consideration of private bills. At half past two the committee rose and the house adjourned.

City of Washington, February 13, 1842.

To the hon. John White, speaker of the house of representatives:

Sir: Having been appointed a member of the committee on foreign affairs, the undersigned desires to be excused from the service for the following reasons:

The appointment was made in consequence of the resignation of honorable members, distinguished for their ability and experience, who represent similar interests with himself. They doubtless had every disposition to maintain their position on the committee, and long to see us; but we are so pressed by the country of honor and credit to themselves. They have retired, after being excused by the house, upon grounds stated before the house, and made known to us all. They are grounds which apply more or less to every member who represents the peculiar interests of the south, and regards the good order, peace, and harmony of the union.

These grounds are laid in the conduct and speeches of the venerable chairman of that committee, as well in committee as in this house. By these he has evinced, on all occasions, a wild and deliberate purpose, with great perseverance, to use his position on the floor, and his elevation as chairman, as points of attack for foreign ideas, unmanly and unwarranted obligations by the constitution, to assail the property and interests of a large portion of these U. States, and wantonly to defame and traduce the character of its citizens and their representatives on this floor.

Under these circumstances, whilst the undersigned disclaims any improper feelings of regard for the chairman as a representative of the people, he does not perceive how he could aid the investigations of this committee, or partake in its deliberations, without deserting those he came here to represent. He, therefore, respectfully requests you to present to the house this application to be excused. Very respectfully, your obedient servant,

MARK A. COOPER.

Mr. Cooper's letter having been read by the clerk—Mr. Campbell, of South Carolina, made the following points of order:

1. A member of the house should, from his place, make whatever statement he may wish to address to its consideration.

2. No member of the house has the right to spread upon its journal opinions that he may entertain of the conduct of another member.

The speaker having stated that the letter would not appear on the journal, Mr. C. withdrew his points of order.

The question on excusing Mr. Cooper was then taken, and decided in the affirmative by a vote almost unanimous. So Mr. C. was excused.

The letter of Mr. Chapman was then read as follows:

House of representatives, Feb. 13, 1842.

To the speaker of the house of representatives:

Sir: I find that I have been appointed a member of the committee on foreign affairs, recently, to fill one of several vacancies that occurred in that committee by the resignation of members whose resignations were publicly made known, and deemed by the house sufficient to excuse them.

I deeply regret the necessity that I feel myself under to decline serving on that committee, and respectfully ask that the house will excuse me.

I have carefully examined the grounds on which the late members of the committee have placed their justification before the country for retiring from it, and fully sustain their views. The reasons they assign being altogether applicable to myself, I ask to be excused. With great respect, your obedient servant,

W. C. CHAPMAN.

And the question on excusing Mr. Chapman was then taken, and decided in the affirmative by a vote unanimous, with the exception of one or two negatives.

So Mr. C. was excused.

The letter of Mr. Basil E. Holmes was then read as follows:

To the hon. speaker of the house of representatives:

Sir: I respectfully beg to be excused from serving as a member of the committee on foreign affairs. The reasons assigned by those gentlemen whose resignations occasioned the vacancies recently filled by the appointment of southern members, are equally applicable to all representatives of slaveholding states, and were deemed satisfactory by the house, as evinced in the unhesitating acceptance of the aforesaid resignations. I would further observe that the chairman of said committee having applied to the committee on southern members, and I charged all the delegation from South Carolina with having banded in a base conspiracy to destroy his good name, I feel convinced that the public service would not be advanced, or the harmony of the committee promoted, by the counsels of your obedient servant.

And the question being taken, Mr. H. was also excused by a vote almost unanimous.

And, in reply to a suggestion or motion of Mr. Adams the speaker replied that three members would, as a matter of course, be designated to fill the places of the members thus excused.

Mr. Everett moved a suspension of the rules in order to effect a resolution in order to make bill No. 73, for the appointment of representatives the order of every day from to-morrow until disposed of. It was decided in the negative—yeas 58, nays 124.

Resolution and memorial were then called for, and another member of the delegation presented a resolution of the state of Massachusetts, respecting its claim on the United States for military services, and urging the action of its representatives and senators; the first of which was as follows:

Resolved, That the claim of the commonwealth of Massachusetts rendered in the year one thousand eight hundred and thirty, and for years, having been provided for by laws, and partly paid in the year one thousand eight hundred and thirty; and the balance acknowledged to be due under provisions of act not having since, in order of congress, been ascertained and reported by the secretary of war, the payment cannot longer be delayed without great injustice and disregard of the acknowledged rights of this commonwealth.

Mr. Adams (among many others) presented a petition from citizens of Concord, New Hampshire, praying congress to consider the safety and integrity of the union and nation by reconsidering and reversing the action by which the house resolved to consider the resolution of Mr. Marshall ensuring Mr. Adams for presenting a petition; and to confine themselves to the legitimate purposes for which they were created.

Mr. Turner raised the question of reception. And the question being taken, the petition was rejected.

Mr. Thomson, of Ky. presented two sets of resolutions from the state of Kentucky; the first the "pre-

amble and resolutions of the state of Kentucky, concerning the repudiation of state debts." The second were "resolutions concerning the soldiers of the revolution." Having accompanied them with remarks indicative of the adherence of the state to her good faith, and of gratitude and compensation due to the revolutionary soldier; he moved their printing, and that the latter be referred to the military committee, Granted.

Petitions continued to be called for, until the entire roll, from Maine to Iowa, having (for the first time in a long period) not been called through in the course of one day, the house adjourned.

THURSDAY, FEB. 15. On motion of Mr. McClelland 5,000, amended on motion of Mr. Thompson, of Indiana, to 10,000 copies of the report of the commissioner of patents containing valuable agricultural statistics by the late census, were ordered to be printed.

Mr. Sumner called for the consideration of his report upon the organization of the officers of the house, and aid the expenditures connected with the police and other regulations of the house. The alteration which the report proposes in the present arrangement is to strike off two clerks, who each have \$1,500 per annum.

Mr. Gordon moved an amendment to the report, so as to provide that the clerk continue the services of three assistant clerks, as authorized by the resolution of the house of 1826, and of two assistant clerks now employed in his office, who have been engaged therein since 1828.

Mr. W. C. Johnson, declared, that the duties of the clerks of this house were more onerous than those of any persons employed by this government.

The debate was continued, until the expiration of the morning hour, by Messrs. Wise, Briggs, Cushing and Fillmore.

Mr. Everett submitted a resolution with regard to considering the appropriation bill, which was read for information only.

The speaker then laid before the house the following executive communications:

A message from the president of the U. States, transmitting copies of letters written by the minister of the United States at the court of Great Britain in 1841, to the commodore of the squadron of the U. States in the Mediterranean. Read and laid on the table.

Also, a letter from the secretary of war, communicating the information called for by the house, on the 18th inst. in relation to the state of a military road to Fort Fairfield and Keokuk, in the state of Maine. Referred to the committee on military affairs.

A bill to allow the banks of this District another year of suspension was taken up, and a motion made to lay it on the table. The yeas and nays were called, and were yeas 79, nays 107; and the main question ordered upon the passage of the bill the yeas and nays were called, and stood yeas 97, nays 73.

So the bill was passed.

Mr. Gearty moved, when the general appropriation bill comes up, that it be recommitted with instructions to report it again, omitting every item of appropriation not authorized by law. Mr. G. said that it would appear that the committee who reported this bill (the committee of ways and means) had asserted the propriety of the principle which he maintained, but had shrunk from carrying out this principle; and it was for the purpose of having it fully executed, that he made this motion. Mr. G. remarked upon the danger and impropriety of allowing the creation of officers in the loose and irresponsible manner which had heretofore prevailed.

Mr. Fillmore said it had been at first the intention of the committee to report no appropriation which was not called for by a specific law. But, upon examination, the committee had found a number of indispensable officers, whose appointment was originally for a limited time, and had been continued only through the annual appropriations. He said, one half the clerks of the senate, one third of the eleven clerks of the house, the reporter of the supreme court, several of the messengers of the house, the assistant librarian and his associate, would be excused by the rule proposed.

Mr. Wise made a few remarks, contending that the resolutions of the house, in matters connected with its own officers, were, in fact, law—recognized as such by the constitution. The previous question was then put, and the motion was ordered, and, upon the motion itself the yeas and nays were taken, and resulted in yeas 144 nays 22.

So the motion was agreed to; and, accordingly, the committee of the whole on the state of the union was instructed to strike out from the said bill every item of appropriation that was not authorized by law. And the house adjourned.

NILES' NATIONAL REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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CHRONICLE.

AGENTS. C. W. JAMES and TH. F. EASTON are the only agents now authorised to collect for *Niles' National Register*, in the states and territories north and west of, and including Ohio.

We are indebted to Adjutant General JONES for a copy of the *ARMY REGISTER*, from which we shall make valuable extracts, and will continue to keep the Register posted up upon army and navy topics as well as other national concerns.

CONGRESS. HOUSE OF REPRESENTATIVES. A report from Mr. Cushing chairman of the select committee on the currency was presented on the 17th instant. Mr. Davis of Kentucky, of the same committee presented on the same day a counter report. Mr. Kennedy of Maryland, of the same committee presented a report on the 21st, and Mr. Barnard offered a bill as a substitute for that accompanying the report of Mr. Cushing on the 23d.

The committee on foreign affairs is now reorganized as will be seen by reference to the proceedings of the 18th on page 415.

SENATE. The committee on currency presented a report by its chairman Mr. Tallmadge of N. York on the 21st.

The hon. LEWIS WILLIAMS, representative from N. Carolina, departed this life at Washington, on the 23d, and his remains were interred yesterday in the national cemetery with all due honors.

Mr. W. entered congress, a representative from his native state in December, 1815, and continued such, by repeated elections, to the day of his death, making an unbroken service of more than twenty-six years; a proof at once of his own fidelity to his trust and of the confidence of his constituents very rarely equalled in the history of our government. He had long been what is termed "the father of the house;" but notwithstanding that venerable title and the length of service it implied, he had reached the age of only fifty-six years. A sincere Christian, he was a man of the strictest morals, and one of the most conscientious and unswerving public servants whom we have ever known. Such, indeed, were his merits, public and personal, and such his eminent value as a representative, that we look upon his death as a serious loss to the whole country, as well as to his immediate constituents.

[Natl. Int.]

RESIGNATION OF U. S. SENATOR. The hon. Henry Clay is said to have sent to the governor of Kentucky his resignation to take effect on the 31st March. It is supposed that Mr. Crittenden will succeed him.

Mr. Van Buren and Mr. Paulding were to leave town this morning on their journey southward. It is understood that before their return, they will visit General Jackson at the Hermitage. Mr. Van Buren is in excellent health and never looked better.

[Phil. Pennsylvania.]

Mr. Van Buren and Mr. Paulding reached Baltimore on Thursday afternoon from Philadelphia.

EXPLORING EXPEDITION. The United States ship Vincennes was at St. Francisco, Upper California, on the 31st October, with the Porpoise, Flying Fish, and brig Oregon. They were to sail the next day for the United States, via Manila, Singapore, and Cape of Good Hope. This squadron will probably arrive home in June.

By the arrival of a whale ship at Lahaina from Vol. XI—Sec. 26.

St. Francisco, where the Vincennes then was (Sept. 20,) we learn more particulars of the loss of the Peacock. She was lost about mid-day, of the 11th of July, on the north bar of the Columbia river, in smooth water. Soon after the breakers began to form, and for half a mile round them the river was one sheet of foam. The ship thumped heavily, and they momentarily expected the spars would go by the board, crush their boats, and thus cut off all chance of escape. By day-light the next morning, they were able to get out the boats, but lost two in the attempt. The water had then risen to her birth deck. The passage to the shore was perilous in the extreme, but through the coolness and skill of the officers it was effected without the loss of life. Pursor Speiden saved his books and papers, and the naturalists their journals. A few hours afterwards no trace of the ill-fated ship was to be seen. Captain Wilkes, in the Porpoise, with the Flying Fish, were employed in surveying the Columbia. The Vincennes was employed at St. Francisco, and a party had been exploring the Rio Sacramento. The brig Thomas Perkins was employed by capt. Wilkes, and it was supposed that she would touch here, to land the supernumeraries.

U. S. BANK. The adjourned general meeting of the stockholders of the U. S. bank was held at the banking house in Philadelphia on the 21st inst. Henry C. Corbet esq. presided, and Joseph R. Chandler officiated as secretary.

Charles Gibbons, esq. offered the following resolution:

Resolved, That the assignments made by the president and directors of the bank of the United States, on the 7th of June, and 4th and 6th of September, 1841, were made in pursuance of authority vested in them, were for the best interest of the bank, and are hereby ratified and confirmed by this meeting.

This resolution was adopted by a vote of 204 to 129.

Joshiah Randall, esq. then offered a resolution: **Resolved,** That it is expedient for the bank of the United States to make a general assignment of the real and personal estate, goods, chattels, rights and credits, whatsoever and wheresoever, of the said corporation, to five persons, for the payment or securing the debts of the said bank of the United States, agreeably to the provisions of the acts of assembly of this commonwealth respectively passed the 4th and 5th days of May, 1841.

While this resolution was pending, a motion to adjourn was made and on division it resulted as follows: ayes 178, nays 119.

So the chairman declared the meeting adjourned.

After the above meeting was dissolved, a new one was organized, and it was decided to call another meeting of the stockholders on second Monday in April, to vote then as provided by the provisions of the charter.

Mr. JACOB. We learn from the Philadelphia papers, that Judge Randall has discharged Mr. S. Jaudon, who was brought before him on a writ of habeas corpus touching the affairs of the United States bank, the judge declaring that there appeared no cause for sending the case to the grand jury.

FOREIGN ARTICLES

GREAT BRITAIN.

By the Burgundy, at New York, from Havre, papers have been received from London to the 5th inst. and from Paris to the 7th inst. The India mail arrived at Paris on the 6th, with no later news from China than has been received here.

The Conway, from China, entered the sound on the 26th of December. Her destination was Portsmouth. She had on board two millions of dollars, and some invalids from the squadron in the China seas.

FRANCE.

On the 3d of January, the members of the chambers of deputies assembled for the purpose of electing the committee to draw up the address in answer to the speech from the throne. On this occasion there was a discussion on the foreign and domestic policy of the government. The ministry were attacked for the convention of July, for its policy as regards Spain, for the reduction of the navy, and se-

veral members, in passing in review the acts of the government, bestowed on them unqualified censure. Mr. L. Herbetie spoke with great animosity against the attacks upon the press, and blamed, with much severity, the recognition of the right of maritime search, demanded by the British government.

Details have been received from Odessa of the autumn campaign of the Russians against the Circassians and of their defeat at Jatache, where some 500 were slain. It is believed that the Russians have lost some 8,000 men, mostly by disease. The Crimean hospitals are filled with the sick. This is the division under General Aurepp, and it is said that Gen. Zast has not been more fortunate.

La Presse of the 6th has a letter from Vienna, which says that the three great powers, England, Russia, and France, which had stipulated the independence of Greece, are seriously giving their attention to the difference between that country and the Sublime Porte, and that they have applied to the cabinets at Berlin and Vienna for their co-operation.

Baron Rothschild has been seized with sudden and dangerous illness. The operations on the bourse were seriously affected by this intelligence.

A London morning paper, the Morning Herald, mentions a current report that the British government has resolved to establish a line of steam communication between the Pacific coast of South America and New Zealand, and the Australian colonies. It is added, that the authorities of Panama have invited an engineer to survey a line of rail road across the Isthmus, and are most desirous that the line should be executed by an English company to which they are prepared to grant extensive privileges.

The *Observateur* of Brussels says: "The ill humor of the king of Prussia towards Holland continues. The Prussian monarch, going to London, will not pass through Holland, the king of which country is his near relation, but through Belgium. The Prussian Government has decided that he will visit Ellinburg, and the Highlands of Scotland."

M. de Kisseloff, the Russian charge d'affaires, did not go with the diplomatic corps to the king, on New Year's day.

At four o'clock, on the 1st instant, says the *Gazette* de France, M. de Kisseloff entered the circle of the Rue de Grammont, and, on being asked how he was, replied, "Je suis indisposé par ordre."

The Duke de Bordeaux is to pass the winter at Vienna.

The government of the Swiss canton of Tessino, imitating that of Argau, has just repressed a convent of Cisterciens.

"The king," says the *Debats*, "has commuted the sentence against Quenisset into transportation, and against Colombarier and Brazier into hard labor at the hulks for life."

Stock exchange, Jan. 6, two o'clock.—Five per cents opened at 117 1/4, four at 117 1/2, five at 118.

SPAIN.

Espartaco, the regent of Spain, has positively refused to accede to the pretensions of the French ambassador to be allowed to present his credentials to Queen Isabella, unless he were present. The Journal des Debats thinks that this misunderstanding, on a question of mere etiquette, will inevitably lead to a war between France and Spain.

By royal decree of the 9th December, 1840, all the buildings that were used as monasteries or convents of the suppressed religious communities of both sexes, are directed to be sold, to be paid for in coupons for interest overdue on the consolidated debt, without any difference between the foreign and internal, "for their full nominal value;" and a project of a law will be brought forward in the Cortes to give effect to the heads of a decree, dated the 21st of January last, for the sale and payment of the properties of the secular clergy. The whole of their property, equal to about £31,200,000, but at public sales these properties, it is expected, will fetch at least 3,000,000,000, equal to £31,875,000.

HAVANA. The New Orleans Bulletin acknowledges the receipt of Havana dates to the 3d. inst.

There had been two important arrivals, which caused no little sensation in the emporium of Cuba, viz.—President Bustamante, in his second exile from Mexico; and Madlle. Fanny Elssler, the danseuse, from Philadelphia.

TARIFF. The new tariff which took effect on the 20th inst., levies the following duties on imports, all payable in gold or silver:

On flour, 1 dollar per barrel; corn and corn meal, 20 cents per bushel; oats, 15 cents per bushel, other grains, 20 cents per bushel; brown sugar, 1 cent per pound; tallow candles, 4 cents; lard, 3 cents; butter, 6 cents; cheese, 3 cents; beef, 2 cents; rice, 2 cents; whiskey, 25 to 75 cents per gallon—according to proof; manufactured tobacco, 30 per cent. ad valorem; American segars, 3 dollars per thousand; beef in barrels or otherwise, 3 dollars per 200 pounds; pork, 3 dollars per barrel, peas and beans, 50 cents per bushel; cabinet wares and all other manufactures of wood, 10 per cent. ad valorem; iron, ready made, clothing, hats and saddlery, 30 per cent. ad valorem; hats, shoes and boots of all kinds, 25 per cent.; pleasure carriages and harness of all kinds, 35 per cent.; bagging, bale rope and twine, 10 per cent.

MEXICO.

The New Orleans Bulletin has the following letter from Mr. Lunsden, one of its editors, now in the city of Mexico, January 25, 1842.

Good news!—Mr. Mayer secretary of legation to the American minister, has just called at my room and informed me that *young Combs is liberated*. Santa Ana this morning sent for him, and gave him his liberty, quite unexpectedly to every body here. He was conducted to the minister's apartments and placed under his protection, by Santa Ana's orders, and in his own carriage.

The other prisoners are yet in chains, and are all made to work in the streets.

There is no great life here till when Mr. Kendall arrives, which must certainly be in a few days, he will also be released. I look upon the liberation of Combs as a favorable omen.

The barque Ana Louisa, at New York, brings Vera Cruz dates to the 30th ultimo.

The United States consular agent, Jackson, Capt. Day, arrived at Vera Cruz on the 23d January from New Orleans, and landed Mr. McKee, bearer of despatches from the government of the United States, to Mr. Ellis our minister at Mexico. On the 30th she sailed again for New Orleans.

TEXAS.

Galveston dates to the 21st inst. have been received at New Orleans.

The Galveston Civilian of the 1st says:—A letter has been received from on board the ship Austin, at Sisal, dated January 15th, stating that Commodore Moore had gone to Merida, and while there the lieutenant in command of the ship became acquainted with the fact of the reunion of Yucatan with the central government. The Commodore, it is said, Commodore Moore might be detained as a prisoner, he seized the Mexican commissioners as they were returning, and determined to detain them as hostages, until the arrival of the commodore. He however shortly after received a letter from him (Com. M.) stating that he would return to the ship in a day or two, and ordered the release of the commissioners, among whom, on the part of Santa Ana, were Gens. Llamas and Anaya, hitherto supposed to be the most honest men among the federalists.

Accounts from Austin were up to the 28th ult.—Congress was to have adjourned on the 31st, but it was supposed that the expression of Gen. Hamilton's dissent previous to that time, and caused a postponement of the day, as the general and Belgian minister are said to have had important pecuniary efforts to make to that body in behalf of the Belgian government.

BURNING AND LOSS OF LIFE. The New Orleans Bulletin of the 12th ultimo, says: We were informed by an officer of the Texian navy, that the crew of the Texas schooner-of-war San Antonio, (now lying off Slaughter House Point), mutinied—killed the second lieutenant, Mr. C. F. Fuller, wounded two midshipmen, Messrs. Allen and Oakes, seized outlaws and pistols, and left the vessel. The sailing master escaped by jumping overboard. Some of the mutineers have since been taken.

AN ANCIENT WRONG REDRESSED.

A remarkable, and certainly decisive statement as to a very memorable political accusation, has been placed in our hands. Its publication seems clearly due, not only to the eminent man whom it greatly injured, not to the country at large, still possessed, in such numbers, with the idea that the charge in question was well grounded, and had been substantiated. The letter which we subjoin must forever disabuse our men of any such impression, and vindicate the injured, and all future possibility of doubt.

The lapse of fifteen or sixteen years has, of course, left us almost wholly ignorant of the nearly unanimous conclusions of which we have just spoken, rather

than any certain memory of the facts (exceedingly slight in themselves) which were alleged, and never proved. To revive them in our own mind, we have returned to the following summary, which was given at the time, by Mr. Niles, in his Register. [See vol. 32, p. 162.] It is a brief history of the case, and presents the main facts and proofs.

[Washington Independent.]

From Niles' Register.

POLITICS. As it is probable that interesting political events will grow out of the matters stated below, we give them an insertion at this time, and we commend them to the consideration of our readers.

The Fayetteville (N. C.) Observer published the following letter, said to be written by a highly respectable Virginian, then in Tennessee:

Nashville, 8th March, 1827.

"I have just returned from General Jackson's. I found a crowd of company with him; seven Virginians were of the number. He gave me a most friendly reception and urged me to stay some days longer with him. He told me this morning, before all his company, in reply to a question I put to him concerning the election of J. Q. Adams to the presidency, that Mr. Clay's friends made a proposition to his friends, that if they would promise, for him, not to put Mr. Adams into the seat of secretary of state, Clay and his friends would, in one hour, make him, Jackson, the president. He most indignantly rejected the proposition, and declared he would not compromise himself; and, unless most openly and fairly made the president, by the people, he would never receive it. He declared that he said to them, he would see the whole earth sink under him, before he would bargain or intrigue for it."

A correspondent of the Democratic Press, under date of Washington, 13th April, 1827, having quoted the preceding letter, says—

"After reading this extraordinary declaration of General Jackson, before all his company," called on him, and inquired if he knew any thing about it. He replied without hesitation, and with his accustomed frankness, that the statement that his friends had made such a proposition as the letter describes, to the friends of General Jackson, was, as far as he knew or believed, utterly destitute of foundation; that he was not conversant with the matter, and that he never made any such statement; but that no matter with whom it had originated, he was fully persuaded it was a gross fabrication, of the same calumnious character with the *Kramer* story, put forth for the double purpose of injuring his public character, and propagating the cause of General Jackson; and that, for himself and friends, he never entertained the idea of the charge before any fair tribunal whatever."

[The writer goes on and offers arguments why the declaration ascribed to General Jackson could not be true; but we shall not copy them just now.]

The Washington Telegraph of the 26th ult. asserts that General Jackson, in March, 1825, heard General Jackson make the same statement as is contained in the letter published in the Fayetteville Observer.

The "National Journal" of the 28th, speaking of the "Fayetteville letter" and Mr. Green's endorsement of its veracity, says—

"He [General Jackson] now stands before the nation as the direct public accuser of 'Mr. Clay and his friends,' and, by inference, of Mr. Adams also. The accusation has been deliberately denied. And if Gen. Jackson should not sustain it by competent and credible proof, the American public will not be reluctant to show the grateful respect which they have hitherto cherished for him, by rejecting his charge, as, in that event, it will deserve to be considered."

So things stand at present—and their condition has been rendered such, we suppose, they cannot well stop where they are. If these declarations have been made by General Jackson, he will not suffer them to remain impeached, but come forward and sustain them—if, on the other hand, he has been misrepresented or misunderstood, he, doubtless will say so. It would seem to us that the affair has reached a point where one or the other is due to the public intelligence and public reason.

Letter from Beverly Carter to Mr. Clay.

Virginia, Middlesex county, Urbana, 8th Feb. 1842.

DEAR SIR: It will be no doubt a matter of some astonishment to you, in receiving from me the present address. I will not preface it with any kind of apology, because in doing so I join my mind in the discharge of an act of conscience and a duty, that I feel the utmost pleasure in performing.

Although the time is quite far gone, still I therefore very innocently instrument in the abundant thought out the country a very great attack upon your character and virtue as a gentleman, and certainly a very

heavy one as a public man, I feel exceedingly desirous to retract, and to clear me, from the slander, and my own feelings from the severe consequences that is within me, of having been, though neither directly or indirectly, your personal accuser; yet, that I was drawn indelicately into the representation of an attack upon you.

It is altogether unnecessary to enter into the minute circumstances of so distant a period, of how it happened and the particulars of it all. The public were at the time sufficiently informed why, and wherefore, I became the relater of the assaults, to which I specially allude.

I did not solicit the account that gave the gross abominable scandal of you, but merely asked if it was true, and possibly he was, had long before heard of it, and was the object of government when it was represented to have occurred. The reason of my having mentioned it, upon which the answer was given to me, was that I thought it an infelicitous scandal upon the country if true; and if not true, it would give you a fair opportunity of expiating yourself. I had, therefore, two objects in view, which are easily seen; and, from either or both, I conceive that I ought to be exonerated, at least from any design to do you injustice. Imagine yourself what motives I could possibly have had to injure you, a gentleman with whom I had no difference, and with whom I had never carried any enmity, and never intimately so, yet there was always an urbanity and an interchange of civilities between us, that never failed to make quite a favorable impression upon me, and if it was not reciprocal, it was my misfortune. To strew difficulty in your way with design, was utterly improbable at least. You, a distinguished man in the eyes of the nation, what advantage could I have expected from a derision of you? Surely it was very improbable. I most assuredly and most certainly never entertained the smallest prejudice or unfavorable idea of you, until the affair of the Fayetteville letter, that appeared under my signature, upon which was founded, I am quite sorry to say, the charge which galloped through the union against you.

Your memorable pamphlet, and some letters that came out in your defence, were entirely expressive of the whole transaction; and although I thought at the time, that you had not properly conceived me, I studiously forebore to say more than had been expressed in my correspondence at Wheeling, which Mr. Neal has since published.

My entire object now is, a desire I have to be exonerated from the belief of any special design to injure you; for I again declare, that I never felt the smallest degree of unkindness towards you, other than what was at the time, impressed upon me, by what had been communicated. I have never since the affair, fallen in company with you but once; and that was in company with you, and it was for the hall of the house of representatives, when a ballot was going on, for a public printer—I was standing alongside of Governor Branch, then a senator of the United States, when you passed on at my back, and without perceiving who I was, before you got up to us, you asked, how the ballot had gone, and Mr. Branch had not attended to it, and I had just taken it down with a pencil—I handed it to you the paper; and after looking at it, you returned it, bowed, and passed on. Mr. Branch then asked me, if that was the first time you and I had met since the affair of the Fayetteville letter—I said yes; the matter then vanished, and I have never since seen you once.

This letter is intended to show you that the long lapse of time, and the many changing circumstances of the country and government, have long ago convinced me that the very greatest injustice was done you in the charge made. I had, too, an opportunity lately of reading over very calmly and dispassionately a file of newspapers containing the whole affair, and without dissenting from Mr. Bushrod, and the proof whatever against you; and he even denied having ever made the charge upon you. I have discharged my mind in addressing myself so fully to you, and can only add that, if a publication of this letter redress you any essential service, (though I do not deserve it), you have full liberty from me to let the public see it.

One circumstance, I beg to assure you of, that whatever my verbal and written expressions of you were, (and I suppose I must have given much scope to both, though I recollect, now, nothing of what I said), I again say that I am most thoroughly convinced, and I have never seen any person, and therefore, unjustly treated, for I have never seen any person, to substantiate all the allegations. And very likely I take final leave of you, (as it may be, and very likely will be, the last time that any intercourse will take place between us), I must be allowed to

make a few more observations, though I am quite sensible that my letter has already exceeded the propriety; yet I hazard, with a gentleman of liberality, nothing, I am sure, in asking a little further indulgence. From the temper of the nation, and the peculiar state of things, it is presumable that you are to be the witness of the next election of president of the United States. You have, I am sure, too high respect for public opinion, as you have too much veneration for the high dignity of that situation, to be negligent of it.

The greatest objection that has been yet started against you for that high post, I am concerned to say, hinges upon the old affair—which has been the subject of this letter. I am sure, as far as I bore any influence, or the representation I made against you, I sincerely hope will be perfectly removed by what I have already expressed to you. I know a great many most respectable, independent, high-minded politicians of the country, now extending to a great distance in the nation, that would have sought you through the thickest vapour that has hitherto cast a blind upon the nation, but for the circumstances referred to. It can surely be now no longer a matter of doubt upon their minds for he who was generally believed to be the circulator of the egregious slanders against you, hereby confesses that he did it, and unequivocally declares that it is unproved, and stands utterly unsupported to this time, a period of 15 or 16 years. But, like all spirited malice, it will be still said by some, that, even in this explanation I have given you of the part I bore in it, there is an understanding between us, and that it is all designed for political effect. You and I can most readily meet the charge, I am sure. I have had no intercourse or interview (as is expressed in my letter) with you for at least ten or eleven years—and there has been no sort of interchange between us.

But you and I have become old enough to expect all matters to arrive, and are therefore prepared to dare say, for the coming of them. Then, let it be so—I am sure we shall neither of us regard it.

I sincerely wish you health and happiness, and remain, dear sir, most respectfully, your obed't servant,
CARTER BEVERLY.

To the hon. HENRY CLAY.

DIPLOMATIC CORRESPONDENCE.

MR. WEBSTER TO MR. EVERETT.

Department of State, Jan. 29th, 1842.

Edward Everett, Esq. &c. &c.

SIR: I regret to be obliged to acquaint you with a very serious occurrence, which recently took place in a port of one of the Bahama Islands.

It appears that the brig "Creole," of Richmond, Virginia, bound to New Orleans, sailed from Hampton Roads on the 27th of October last, with a cargo of merchandise, principally tobacco, and slaves, (about 135 in number); that on the evening of the 7th of November some of the slaves rose upon the crew of the vessel, murdered a passenger, named Hewell, who wounded some of the negroes, wounded the captain dangerously, and the first mate and two of the crew severely; that the slaves soon obtained complete possession of the brig, which under their direction was taken into the port of Nassau, in the island of New Providence, where she arrived on the morning of the 9th of the same month; that at the request of the British authorities, the governor ordered a guard on board, to prevent the escape of the mutineers, and with a view to an investigation of the circumstances of the case, that such investigation was accordingly made by two British magistrates, and that an examination also took place by English consuls, the result of which was, that 130 of the slaves were imprisoned by the local authorities as having been concerned in the mutiny and murder, and their surrender to the consul, to be sent to the United States for trial for these crimes, was refused, on the ground that the governor wished first to communicate with the government in England on the subject of the mutiny and interference of the colonial authorities, and even before the military guard was removed, the greater number of the remaining slaves were liberated, and encouraged to go beyond the power of the master of the vessel, or the American consul, by proceedings which neither could nor should control. This is the substance of the case, as stated in two protests, one made at Nassau and one at New Orleans, and the consul's letters, together with sundry depositions taken by him, copies of all which papers are herewith transmitted.

The British government cannot but see that this case, as presented in these papers, is one calling loudly for redress. The "Creole" was passing from

one port of the United States to another, in a voyage perfectly lawful, with merchandise on board, and also with slaves, or persons bound to service, natives of America, and belonging to American citizens, and which are recognised as property by the constitution of the United States in those states in which slavery exists. In the course of the voyage some of the slaves rose upon the master and crew, subdued them, murdered one man, and caused the vessel to be carried into Nassau. The vessel was thus taken to a British port, not voluntarily, by those who had the lawful authority over her, but forcibly and violently, against the wishes of all with the control of the vessel, and the mutineers and murderers; for there is no evidence that these outrages were committed with the concurrence of any of the slaves, except those actually engaged in them. Under these circumstances, it would seem to have been the plain and obvious duty of the authorities at Nassau, the port of a friendly power, to assist the American consul in putting an end to the captivity of the master and crew, restoring to them the control of the vessel, and enabling them to resume their voyage, and to take the mutineers and murderers to their own country to answer for their crimes. The proper trial of the offenders is a question now any other course could justly be adopted, or how the duties imposed by that part of the code regulating the intercourse of friendly states, which is generally called the comity of nations, could otherwise be fulfilled. Here was no violation of British law attempted to be intended on the part of the master of the vessel, or of the mutineers, or of the infringers of the law of nations. The vessel was lawfully engaged in passing from port to port, in the United States. By violence and crime she was carried, against the master's will, out of her course, into the port of a friendly power. All was the result of force, and of the forcible and unprovoked seizure, entitled him to such assistance from the authorities of the place as should enable him to resume and prosecute his voyage and bring the offenders to justice. But, instead of this, if the facts be as represented in these papers, not only did the authorities give no aid for any such purpose, but they did actually interfere to set free the slaves, and to enable them to disperse themselves beyond the reach of the master of the vessel or their owners. A proceeding like this cannot but cause deep feeling in the United States. It has been my purpose to write you at length upon this subject, in order that you might lay before the government of her majesty full, and without reserve, the facts of the case, upon which the law of the United States, and the grounds on which these views are taken. But the early return of the packet precludes the opportunity of going into this case in this despatch; and as Lord Ashburton may shortly be expected here, it may be better to enter fully into it to him, than to do so in a despatch. Some knowledge of the case will have reached England before his departure, and very probably his government may have given him instructions. But I request, nevertheless, that you lose no time in calling Lord Aberdeen's attention to it in a general manner, and giving him a narrative of the transaction, such as may be framed from the papers now communicated, with a distinct declaration that if the facts turn out as stated, this government think it a clear case for indemnification.

You will see that in his letter of the 7th January, 1837, to Mr. Stevenson, respecting the claim for compensation in the cases of the "Comet," "Economica," and "Enterprise," Lord Palmerston says that "the British government is of opinion that the rule by which these claims should be decided, is, that those claimants must be considered entitled to compensation who were lawfully in possession of their slaves within the British territory, and who were disturbed in their legal possession of those slaves by functionaries of the British government." This is the broad principle, and the case of the "Creole," if its circumstances are correctly stated. But it does not extend to what we consider the free doctrine, according to the laws and usages of nations; and, therefore, cannot be acquiesced in as the exact correct general rule. It appears to this government that not only is no right of interference of the local authorities to be allowed, but that aid and support should be extended to these, as in other cases which may arise, affecting the interests of citizens of friendly states.

We know no ground on which it is just to say that these colored people had come within, and were within the reach of such such such such such such such of England affecting and regulating the conditions of persons could properly act upon them. As has been already said, they were not there voluntarily; no human being belonging to the vessel was within British territory of his own accord, except the mutineers—these being on board, and the rest of the population of the vessel, and the British authorities, to secure into the cargo of the vessel, or the condition of per-

sons on board? These persons might be slaves for life; they might be slaves for a term of years, under a system of apprenticeship; they might be bound to service by their own voluntary act; they might be in confinement for crimes committed; they might be prisoners of war; they might be fugitives, and the British authorities look into and decide any of these questions? Or, indeed, what duty or power, according to the principles of national intercourse, had they to inquire at all? If, indeed, without unfriendly interference, and notwithstanding the fulfilment of all their duties, and assistance, by these authorities, the master of the vessel could not retain the persons, nor prevent their escape, then it would be a different question altogether, whether resort could be had to British tribunals, or the power of the government in any of its branches, to compel their appearance, and to subject them to trial. Now, it claims that English law shall decide the condition of all persons actually incorporated with British population, unless there be treaty stipulation making other provision for special cases. But in the case of the "Creole" the colored persons were still on board an American vessel, and the British authorities were out of the course of her voyage by mutiny; the master desiring still to resume it, and calling upon the consul of his government resident at the place and upon the local authorities to enable him so to do, by freeing him from the imprisonment to which mutiny and murder had subjected him, and furnishing him with such necessary aid and assistance as are usual in ordinary cases of disaster at sea. These persons, then, cannot be regarded as being mixed with the British people, or as having changed their character at all, either in regard to country or personal condition. It was no more than just to consider the vessel as still on her voyage, and entitled to the assistance due to other cases of distress, whether arising from accident or outrage. And that no other view of the subject can be true is evident from the very awkward position in which the local authorities have placed their government in respect to the mutineers still held in imprisonment. What is to be done with them? How are they to be punished? The English government will probably not undertake their trial or punishment; and of what use would it be to send them to the United States, separated from their ship, and at a period so late as that, if they should be sent, before proceedings could be instituted against them the wind would have so scattered them as to be lost.

One of the highest offences known to human law is thus likely to go altogether unpunished.

In the note of Lord Palmerston to Mr. Stevenson, above referred to, his lordship said "that, slavery being now abolished throughout the British empire, there can be no well-founded claim for compensation in respect of slaves who, under any circumstances, have come within the jurisdiction of the British empire, there would be with respect to slaves who might be brought into the kingdom." I have only to remark upon this that the government of the United States uses no ground for any distinction founded on an alteration of British law in the colonies. We do not consider that the question depends at all on the state of British law. It is not that in each case the active agency of British law is intoked and refused; it is, that unfriendly interference is deprecated, and those good offices and friendly assistances expected which a government usually affords to citizens of a friendly power when instances occur of disaster and distress. All that is to be considered is, whether in any case we would expect in the ports of England, as well as in those of her colonies. Surely, the influence of local law cannot affect the relations of nations in any such matter as this. Suppose an American vessel, with slaves lawfully on board, were to be captured by a British cruiser, as belonging to some belligerent, while the United States were at peace; suppose such vessel carried into England, and the neutrality of the vessel fully made out in the proceedings in admiralty, and a restoration consequently decreed—in such case, must not the slaves be restored exactly in the condition in which they were when the capture was made? Would any one suppose that such a vessel, having been carried into England by force set them free?

No alteration of her own local laws can either increase or diminish, or any way affect, the duty of the English government and its colonial authorities in such cases, as such duty exists according to the law, the comity, and the usages of nations. The law, the comity, and the usages of nations, are the same on board the "Creole" could only have been regarded as Americans passing from one part of the United States to another, within the reach of British authority only for the moment, and this only by force and violence. To seek to give either to persons or property this kind of a law, as it is called, and to subject either to English burdens or liabilities, cannot, in the opinion of the government of the United

States, be justified. Suppose that by the law of England all blacks were slaves, and incapable of any other condition; if persons of that color, free in the United States, should, in attempting to pass from one port to another, their own names, cargo, or the stress of weather within British jurisdiction, and there detained for an hour or a day, would it be reasonable that British authority should be made to act upon their condition, and to make them slaves? Or suppose that an article of merchandise, opium for instance, should be declared by the laws of the United States to be a nuisance, a poison, a thing in which no property could lawfully exist or be asserted; and suppose that an English ship with such a cargo on board, bound from one English port to another, should be driven by stress of weather, or by mutiny of the crew, into the ports of the United States, would it be reasonable that such a cargo should be seized, held just and reasonable that such a cargo should receive its character from American law, and be thrown overboard and destroyed by the American authorities? It is in vain that any attempt is made to answer these suggestions by appealing to general principles of humanity. This is a point in regard to which nations must be permitted to act upon different views, if they entertain different views, under their actually existing condition, and yet hold commercial intercourse with one another, or not hold any such intercourse at all. It may be added, that all attempts by the government of one nation to force the industry of its laws on that of another, for any object whatever, generally, defeat their own purposes, by producing dissatisfaction, resentment and exasperation. Better is it, far better in all respects, that each nation should be left without interference or annoyance, direct or indirect, to its undoubted right of exercising its own judgment in regard to all things belonging to its domestic interests and domestic duties.

There are two general considerations, of the highest practical importance, to which you will, in the proper manner, invite the attention of her majesty's government.

The first is, that, as civilization has made progress in the world, the intercourse of nations has become more and more independent of different forms of government and different systems of law and religion. It is not now, as it was in ancient times, that every foreigner is considered as therefore an enemy; and that, as soon as he comes into the country, he may be lawfully treated as a slave; nor is the modern intercourse of nations, on mainly, or at all, for the purpose of imposing by the laws of one nation, new forms of civil government, new rules of property, or new modes of domestic regulation. The great communities of the world are regarded as wholly independent, each entitled to maintain its own system of law and government, while all, in their intercourse, are understood to submit to the established rules and principles governing such intercourse. And the perfecting of this system of communication among nations requires the strictest application of the doctrine of non-interference of any with the domestic concerns of others.

The other is, that the United States and England, nearly by far the two greatest commercial nations in the world, touch each other both by sea and land at almost innumerable points, and with systems of general jurisprudence essentially alike, yet differing in the forms of their government and in their laws respecting personal servitude; and that so widely does this mutual interference extend its influence, that without the exercise to the full of the doctrine of non-interference and mutual abstinence from any thing affecting each other's domestic regulations, the peace of the two countries, and therefore the peace of the world, always will be endangered.

The Bahamas (British possessions) push their selves near to the shores of the United States, and their almost directly in the track of that great part of our air and sea commerce, which, doubling the Cape of Florida, connects the cities of the Atlantic with the ports and harbors on the Gulf of Mexico, and the great commercial emporium on the Mississippi. The seas in which these British possessions are situated, are seas of shallow waters, full of reefs and shoals, subject to violent action of the winds, and to the agitations caused by the Gulf Stream. It can, must always, therefore, be of dangerous navigation, and accidents must be expected frequently to occur, such as will cause American vessels to be wrecked on British islands, or compel them to seek shelter in British ports. It is quite essential that the manner in which such vessels, their crews, and their cargo, in whatever such vessels consist, are to be treated in these cases of misfortune and distress, should be clearly and fully known.

You are acquainted with the correspondence which has taken place in the few years ago, between the American and English governments, respecting the cases of the *Enterprise*, the *Comet*, and the *Economist*. I call your attention to the journal of the senate of the

United States, containing resolutions unanimously adopted by that body respecting those cases. These resolutions, I believe, have already been brought to the notice of her majesty's government, but it may be that, with the resolutions themselves and the debates upon them, should be again directed to you will find the resolutions, of course, among the documents regularly transmitted to the legation, and the debates in the newspapers with which it has been supplied from this department.

You will avail yourself of an early opportunity of communicating to Lord Aberdeen, in the manner which you may deem most expedient, the contents of this despatch; and you will receive further instructions respecting the case of the *Creole*, unless it shall become the subject of discussion at Washington.

All your communications with her majesty's government, will be subject to inspection, with a full conviction of the dangerous importance to the peace of the two countries of occurrences of this kind, and the delicate nature of the questions to which they give rise.

CURRENCY REPORT.

REPORT PRESENTED BY MR. CUSHING, CHAIRMAN OF THE SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON THE CURRENCY.

The select committee to whom was referred so much of the message of the president as relates to the plan of finance therein recommended to consider the same, from the secretary of the treasury accompanied by a distinguished member of the establishment of a board of exchequer at the seat of government—report, in part—

The committee have bestowed, on the subjects committed to them, all the deliberation and anxious consideration, which the importance of those subjects demands.

It became their duty to inquire as to the wisest and best method of keeping the public moneys of the United States; the material in which the same should be collected and disbursed, and the power and obligation of the federal government in regard to the currency and exchanges of the union.

They entered upon the discharge of this duty at a period, when, in consequence of the magnitude and pressure of the public debts of many of the states of the union, the condition of their banking institutions, and other causes, the currency and exchanges of a large part of the United States were involved in calamitous disorder; at a period, when the pecuniary distress of the country—the extreme difficulty of so long existing among eminent statesmen as to the nature and causes of those disasters and the proper remedy for them—and the uncertainty and instability of the federal government—had conspired to render a sort of anarchy of opinion characteristic of the time.

Under these circumstances, the committee felt themselves called on by the highest claims of patriotism and of honor, to endeavor to look steadily and calmly at the facts surrounding them—to emancipate their minds, so far as possible, from the dominion of all pre-conceived opinions—to bring the solution of the great questions before them, to the benefit at least of uncommitted judgments and unsharped freedom of decision—to inquire, not merely what might be best in the past and present view of each, but also what was the best of things now practicable; and having thus without fear or favor, fully discharged to their own duty to their country and themselves, to submit, unbiassedly, the result of their deliberations to the candor and wisdom of the house.

They were more strongly impelled to the adoption of these principles of action, in consideration, that the duty they were to perform was one imposed upon them by the command of the house, not sought nor derived from the result of their deliberations; that, in their relations, for the success of the measure, might prove, they must, of necessity, rely on its intrinsic propriety and the impartial sense of the legislature.

The constitution of the United States empowers congress "to lay and collect taxes, duties and imposts and excises, to pay the debts and to provide for the common defence and welfare of the United States." And it recognises the existence of "the treasury of the United States." But it does not prescribe the organization of that treasury, nor set forth the mode in which its personnel shall be constituted, or its business to be conducted, or otherwise than as it provides that the president, with the advice and consent of the senate, shall appoint the principal officers of the U. S. But the constitution further provides that congress shall have power to make all laws "necessary and proper for carrying into execution" all other powers vested by it in the federal government. And under these constitutional provisions is the treasury

of the United States to be organized by legislation, and its concerns conducted; the president being empowered and enjoined to "take care that the laws be faithfully executed."

Besides this, congress has power to regulate commerce with foreign nations and among the several states; power to "coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures," and power "to borrow money on the credit of the United States."

And, on the other hand, while conferring these powers on the federal government, the states have expressly forbidden to themselves and to each other to emit bills of credit, to make any thing but gold and silver coin a tender in payment of debts, or to pass any law impairing the obligation of contracts.

By the act to establish the treasury department, passed on the second day of September, 1789, it was provided that it shall be the duty of the treasurer to receive and keep the moneys of the United States, and to disburse the same upon warrants drawn by the secretary of the treasury; but the plan and mode of so keeping the moneys of the United States were not specifically prescribed; unlimited scope of choice being left to the treasurer in this respect, subject always to the authority of the president, to see to the due execution of the laws, and in his executive capacity to guard the interests of the government.

Under these provisions of law the fiscal operations of the federal government, as now constituted, commenced, and so proceeded until the 25th of February, 1791, when the bank of the United States was incorporated by the act of the 24th of March of that year.

Prior to which, there existed in the United States three incorporated banks, namely—that of North America, in Philadelphia; that of New York, in the city of New York; and that of Massachusetts, in Boston; all of them established before the adoption of the constitution. Each of these banks was a state corporation; for, though the Bank of New York was originally established by congress in 1791; yet it had since acquired and now acted under a charter from Pennsylvania.

These banks it was thought were unfit, or incompetent, to perform the fiscal business of the government; and, under which, they could not absorb any amount of the public debt, nor be relied on for advances of money to the United States.

The incorporation of the bank of the United States originated in an order of congress calling on the secretary of the treasury to prepare and report a proper plan for establishing the public credit; in obedience to which, the secretary created two committees; in one of them, recommending that the public debt be funded, and additional taxes raised to pay the interest on it; and in the other, recommending the incorporation of a National Bank as being of "primary importance to the proper administration of the finances." One of the greatest utilities in the operations connected with the support of public credit, was set forth in the preamble of the act, "as tending to give facility to the obtaining of loans for the use of the government;" to which, in the same preamble, was added the further reason of "advantages to trade and industry."

This bank answered immediately three purposes of the government, namely: 1. Of its capital of ten million dollars, three-fourths was composed of funded debt; 2. It was made the fiscal agent of the United States; and 3. Its notes were a legalized currency, being receivable in all payments at the treasury.

And the system of the government was completed by the act of the 22d of February, 1792, which created the mint, and regulating the coin of the United States, upon the basis of the dollar-unit prescribed by the continental congress.

The incorporation of this bank was resisted in the outset on considerations of expediency and of constitutionality, and considerations led to the renewal of congress to renew its charter. On the expiration of its charter it does not appear to have been deemed necessary or expedient to legislate further, either as to the means of collecting or the mode of keeping the public moneys; but this was left to stand on the authority vested in the treasury, by the act of 1789, to receive and keep the moneys of the United States.

Meanwhile, the number of banks, incorporated by the several states, had been increased previous to, or at this time, to one hundred, and in 1812 about twenty more were incorporated, with an aggregate capital in the whole of upwards of 77,000,000 dollars; and the business of the treasury was conducted in their notes, and by deposits with them. In the progress of the war of 1812, and in the year 1813, the Bank of the South of New England ceased to pay coin for their bills, in 1814, as the United States bank would in all probability have done, if it had continued to exist, as this suspension was chiefly in consequence of advances made by them to the government; but notwithstanding the non-redeemability of their bills,

If the duty of the federal government consisted only in doing what is absolutely necessary for the benefit of a few persons, it would be a simple question, and might be more easily answered. But, in the opinion of the committee, the federal government should consider, not only what is for the convenience of itself, but also, incidentally, what is for the convenience and welfare of the people of the United States.

In the first place, then, what course should the federal government at this time take to remedy and relieve the currency difficulties of the United States?

It cannot assume and pay that great mass of individual indebtedness of the people of the United States, which now weighs them down, and is one primary cause of the present condition; debts contracted when the currency was excessive, far things having a factiously large or wholly unvalued value, and the possession of which by the debtor, owing to their present depreciated value, affords to him no adequate means of payment. What alone congress can directly do in this respect it has done, by the passage of a bankrupt law, which, whether rightful or not in its provisions, yet enables the insolvent debtor to settle these debts with such means of payment as he possesses. For the rest, and so far as this indebtedness is a general evil affecting the whole country, "therein the patient must minister to himself." The country is in a state of industry, economy, and prudence, and a return to proper principles of trade; by means of which and with the immense and various productive resources of the country, and the productive energy of its people, with no extraneous cause of war or the like to waste and exhaust them, the steadily returned and continued prosperity is as certain as anything in human affairs can be.

It cannot, by any direct legislation, prevent unwise extension of credit in time or amount, overtrading, speculation, the excessive importation and consumption of foreign luxuries, and the consequent excess of imports over exports, and displacements of coin to pay foreign balances. What alone it can do in this respect, besides itself setting an example of integrity and frugality in its own affairs, is to regulate its own system of taxation and finance so as at any rate not to injure the domestic production of the country, and if it may, incidentally to foster it impartially in all its forms, and do equal justice to the rights and interests of all parts of the union.

It cannot pay the debts which the individual states have contracted on their own account. All that in this relation it can assume to do it has (whether rightfully or not) done, by ceding to the states the annual net proceeds of the public lands.—For the rest, the people of the United States, who are also the people of the states, have the remedy for this evil in their own hands by the better regulation of their own finances, and the imposition of taxes to pay the interest of their public debts.

It cannot command and compel the state legislatures to cease to authorize the suspension of cash payments, by their charters, or prevent the states from issuing bills of credit to accommodate the present wants and postpone the final day of individual debtors or the states. It cannot, by its own direct act, retire from circulation their depreciated bills, the currency of which is the greatest evil of the times. But it can act on the subject matter by its own use any and every kind of bill, or an equivalent paper in its own dealings, and if it receive bank bills, by exacting payment of them at frequent specified periods. And in the opinion of many, who are conversant with the subject, and whose experience and judgment are entitled to consideration, it can, to some degree, remedy the distribution of the means for applying to legal or artificial means the same laws for the immediate distribution of their assets and discharge of their debts, which apply to natural persons.

It cannot give to the country a paper currency in the bills of an incorporated joint stock bank of private property, or constitute a national bank, or, in the opinion of the president, and of a considerable part of the members of the two houses, and of the people at large, constitute at present an insuperable impediment to the incorporation of a national bank; and if it could be incorporated, it would be impossible, and if possible, would be unwise, whether that bank should be authorized to collect the stock of such an institution. It can, however, provide a national paper currency of adequate quantity, and of better quality, by other means.

It cannot equalize the exchanges throughout the country, so long as the currency is in more or less degrees of depreciation, and the business of buying and selling is transacted in one part of the country by means of specie values, and in another by paper values. Most of the existing rate of exchange between different parts of the country is not the differ-

ence in price between legal coin in one place and in another, or of the cost of transporting it to settle balances; but the difference between the price of the coin currency and of the paper currency at the same place. This congress cannot prevent.—But it may provide a safe and economical medium of exchanges, correspondent to the true value of exchange as regulated by the course of business, and adapted to supply and demand, in a specie medium of payment.

It cannot, by any act of its own whatever, proceed immediately to fill the channels of commerce with a paper currency equal in rate of value to gold and silver, neither by means of a national bank nor by any other instrumentality whatever. For the same reason that, in the market of a depreciated paper currency, coin cannot be kept in circulation, but becomes at once an article of merchandise, and is bought up as such, and disappears, just so will it always be with a specie value paper currency alongside of a depreciated paper currency. Until state governments cease to authorize or sanction the issue of irredeemable bank paper in a given community, that community cannot have any better currency. But the federal government can adopt the means to furnish a paper currency of par value, to be ready to take the place of the depreciated paper currency, so soon as that shall be driven or withdrawn from circulation by the direct action of the state governments, or by the indirect action of the federal government.

What, then, shall congress do? What ought it to do? To reach the answer to these questions, let us consider the advantages and the disadvantages of the plans heretofore used in the fiscal business of the treasury.

Leaving out of the case all debatable constitutional questions involved in it, and regarding it as a practical matter only, the considerations alleged in favor of a national bank are—

1. Its convenience in the collection, safe keeping and disbursement of the revenue.
2. Its utility (to a certain degree) as an agent of exchange.
3. Its being the means of furnishing a paper currency to circulate in all parts of the United States.
4. Its instrumentality, by the periodical settlement of balances, in regulating the paper currency of the states.

5. Its being the means of utilizing the public deposits by discounting on them.

On the other hand, the practical objections to it are, in substance—

1. The peril to the public welfare of taking from the government itself, appointed to be the people and responsible to them, all this vast power over the public funds and the currency and exchanges, and placing it for a long period of years in the hands of a private corporation, and of bank directors, having interests of their own, and irresponsible and inaccessible to the people themselves.

2. The chances of mismanagement and corruption on the part of such a corporation, in the ratio of its power.

3. The possibility that it may itself make excessive issues, or suspend payments in specie, and, instead of aiding to regulate the currency of the states, become itself the great cause of its augmentation.
4. The chances of its not doing the proper business of the federal government to carry on (directly or indirectly) the business of discounting notes or bills, or otherwise lending money, or to furnish funds to be so lent.

Concerning the adoption of the state banks as the fiscal agents and depositories of the federal government, the main consideration for it is

That, if there be no national bank, it is necessary to employ the banks of the states, unless the government choose to discard all bank agency.

And the main considerations against it are—

1. That the state governments ought not to be dependent on the legislation of the state governments for the means of conducting the business of the treasury.

2. The perpetual liability of the state banks to excess of issues, and to suspension of specie payments.

3. The difficulty of giving a national utility of active circulation, to agencies which are essentially local in their nature and uses, and in their currency.

4. The liability of the system to political abuse.

The system of an independent treasury is recommended—

1. Because of its independence of all agency not the government's, and especially because independent of the banks.

2. Because it holds the public funds for the public use only.

3. Because, by the use of coin only in the dealings of the treasury, it tends to bring back the country to the money standard of the constitution.

And it is opposed—

1. Because, by the exclusive use of coin, it rejects the time-saving and lessening instrumentality of paper, which, so it be of specie value, is in many respects preferable in use to coin.

2. Because, it locks up the public funds from all employment, either directly or as the basis of paper issues.

3. Because, under it, the U. States has no paper currency of national circulation.

4. Because it separates the government from the people, and disavows all incidental duty towards the latter in the business of the treasury.

Which of these three systems is the cheapest and safest, that is, involves the least expense and loss to the treasury, is no otherwise important than as it may be a question of charge on the revenue; and which of them is most convenient, in a fiscal point of view, is a matter of no interest except to the government.

The committee do not believe that the wit of man can devise any scheme of finance which will satisfy every mind, and which, shall combine the whole of the advantages and shun the whole of the disadvantages of the different plans, on which, at successive periods, the government has hitherto acted. All human institutions are mixed of good and evil. It is our duty, if we cannot do all the good we would, to attempt at least to do no evil. The committee are of opinion that many of the advantages of the different systems heretofore adopted and successively rejected by the government, are to be found, and many of the disadvantages are not found, in the plan of a board of exchequer recommended by the president, and which, with sundry modifications, they report to the house.

In common with a bank of the United States, the exchequer provides and secures—

1. A safe and convenient agency for the custody and management of the public funds.
2. A useful agent of exchanges and collections.
3. A national paper currency.

4. The regulation of the bank paper currency of the states, by receiving it in payment of public debts, and presenting it for redemption at short intervals of time.

5. The utilization of the public deposits and of the specie funds of individuals, by rendering them the basis of a national paper circulation.

6. The best security, incidentally to the business of the treasury, and within the letter of the constitution, of benefits on the people of the U. States.

In common with the independent treasury—

1. It does not entrust the control of the public funds or of the currency to an irresponsible private corporation.

2. It does not loan out the public money to individuals.

3. It makes and can make no excessive issues, and cannot suspend cash payments. For every paper eagle on the wing, it has a gold eagle in hand.

4. It is independent of all banks.

5. It conducts the business of the treasury without the necessity of recurring for aid to the creatures of the legislation of the states.

6. By the use either of coin only, or of paper always equivalent to coin, it follows the true spirit of the constitution in the maintenance of the legal money standard.

7. It is at all times within the control of congress to repeal or amend it at pleasure.

The president of the United States, in presenting this plan to congress, has obeyed the injunction of the constitution, which requires him to recommend to their consideration such measures as he shall judge necessary and expedient; he has fully redeemed the engagements in this respect which he had previously made to congress; and thus he has faithfully discharged his whole duty to the constitution and the union.

The committee, while animated by the highest respect for his views, have yet deemed it due to him, to themselves, to the occasion, and to the country, to give to those views a free and unbiased examination. They have done so; and in so doing, they have also discharged their duty. They respectfully submit the result to the house in the bill herewith returned. They believe this measure to contain the elements of usefulness and public good; and, as such, they recommend it to the house.—But they feel no pride of opinion concerning it, if in error, they are ready to follow the lead of better lights, if better there be, from other quarters; being anxious only to minister to the welfare of the people whom they represent. It remains now for congress to act in the matter: the country demands that in some way we shall act; and the times appeal to us to act with decision, with moderation, with impartiality, with independence.—Long enough, the question of the national finances has been the sport of passion and the

battle-roy of party. Foremost of all things, the country, in order to recover itself, needs repose and order for its material interest, and a settled purpose in that respect (what it shall be is of less moment, but at any rate some purpose) on the part of the federal government. If, careless of names and solicitous only for things, aiming beyond all intermediate objects to the visible mark of the practicable and attainable good—if congress shall in its wisdom concur at length in some equitable adjustment of the public debt, it cannot fail to deserve and secure the lasting gratitude of the people of the U. States.

Mr. Cushing then read the bill, as follows:

A BILL AMENDATORY OF THE SEVERAL ACTS ESTABLISHING THE TREASURY DEPARTMENT.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That there shall be, and hereby is, created and established in the treasury department at the seat of government of the United States, a board to be called the exchequer board of the United States, to be composed of the secretary of the treasury for the time being, and the treasurer of the United States for the time being, and one commissioner to be appointed by the president of the United States, with the advice and consent of the senate; the said commissioner to be appointed for four years; and neither he nor the treasurer of the United States shall be removed from office, except for physical disability, incompetency, or neglect of duty; and, in case of any such removal, it shall be the duty of the president to lay the reasons therefor before the senate; and the said commissioner shall receive an annual salary of three thousand dollars; and the secretary of the treasury shall preside over the board.

Sec. 2. And be it further enacted, That said board may establish agencies or offices in the United States, not exceeding ten in the whole; and one of said agencies or offices shall be established at the city of Boston, in the state of Massachusetts, one at the city of New York, in the state of New York, one at the city of Philadelphia, in the state of Pennsylvania, one at the city of Charleston, in the state of South Carolina, and one at the city of New Orleans, in the state of Louisiana, and one or more of all the other five agencies or offices, if necessary for the public service, may be established, from time to time, at such one place or places as said board may deem expedient; and it shall be the duty of the board to change the location thereof at intervals of twelve months, as the public service may require for the transfer of safe keeping and disbursement of public money.

Sec. 3. And be it further enacted, That for the said board there shall be a principal clerk with a salary of ——— dollars per annum, and a register with a salary of ——— dollars per annum; and if the said agency or office of said board, to be established as aforesaid, there shall be one superintendent with a salary of ——— dollars per annum, and a register with a salary of ——— dollars per annum; and if the business of such agency or office require it, a clerk for each superintendent with a salary of ——— dollars per annum, and a clerk for each register with a salary of ——— dollars per annum; and the said superintendent and register shall be appointed by the president of the United States, by and with the advice and consent of the senate; and the secretary of the treasury shall have power to appoint said clerks; and the said superintendent and register shall be appointed for four years, and may be removed by the president of the United States for physical disability, or incompetency, or neglect, or violation of duty; but in all cases of removal, the reasons therefor shall be laid before the senate of the United States. And the seal shall be found necessary at each of the agencies, to appoint temporary clerks, not exceeding ten in the whole, for the transaction of the business of said agency and its agencies, subject to the supervision of congress, with salaries at a rate not exceeding ——— dollars per annum.

Sec. 4. And be it further enacted, That the exchequer and its officers shall be the general agents of the government of the United States for receiving, safekeeping, and disbursing the public moneys, and transferring and transmitting the same, under the direction of the secretary of the treasury; and all public moneys received from whatever sources, shall, under the same direction, be paid into the exchequer, or its agencies, or to the order of the treasury of the United States. And the said board of exchequer and its several agencies shall pay all warrants, drafts, or orders made having by the treasurer of the U. States, and by all disbursing officers and agents of the government, leaving authority to make such drafts or orders. And the said exchequer and its officers shall perform the duties of commissioners of loans, in receiving subscriptions, transferring stock, and

paying dividends and interest thereon under the directions of the secretary of the treasury; and shall render to the treasurer of the United States all necessary facilities for transferring and disbursing the public moneys as shall be required by him; and shall perform all the duties of public agents, under the regulations prescribed by the secretary of war; and shall render and perform all other duties and services in relation to the collecting, keeping, and disbursing of the public funds, as shall be prescribed by law, or by the secretary of the treasury.

Sec. 5. And be it further enacted, That it shall be the duty of the exchequer and its agencies, and its several agencies, to receive on private deposit gold or silver coin or bullion, the property of individuals, to be held as in other cases of deposit made by individuals for convenience and security, and to issue certificates of such deposit having been made; and the amount so deposited shall never exceed in the whole ten millions of dollars, unless otherwise provided by law, to be received on deposit as may be apportioned by the board among its several agencies according to the extent of their business respectively.

Sec. 6. And be it further enacted, That the board and its agencies or officers, or any one of them, authorized and directed, in all cases where the public creditors may prefer the same, to issue to them certificates of deposit for the amount or amounts of debts due to them by the United States; but the amount of such certificates to be issued to said public creditors shall not exceed the sum of ——— millions of dollars, issued and outstanding at any one time, unless otherwise provided by law. And it shall be the duty of the said board of exchequer and each of its several agencies at all times so to limit the amount of certificates so issued that its gold and silver on hand shall be equal to the amount thereof outstanding.

Sec. 7. And be it further enacted, That the proper officers of Philadelphia and of the branch mints at New Orleans, in the state of Louisiana, Dahlonega, in the state of Georgia, and Charlotte, in the state of North Carolina, respectively, instead of the receipts now by them given, shall have power to issue like certificates of deposit to individuals or bullion, or to the government for the amount of all deposits of gold or silver coin or bullion, and to issue such mint or its branches for the purpose of receiving under such regulations and checks for the security thereof as the secretary of the treasury shall prescribe.

Sec. 8. And be it further enacted, That all the said certificates of deposit shall be redeemable on presentation at the office of the agency in which each mint where issued; they shall be receivable every month in payment of the public dues; no premium shall be demanded for issuing the same; and they shall be issued in such denominations not less than five nor more than one hundred dollars, as the depositor or public creditor may desire; and the secretary of the treasury shall cause to be prepared and issued certificates as aforesaid, in such form as he shall prescribe, to be signed by the treasurer of the United States, and countersigned by the commissioner of exchequer. And the amount of all such certificates of deposit, public or private, outstanding at the end of every quarter shall so soon thereafter as the same may be ascertained, be published by the secretary of the treasury.

*Sec. 9. And be it further enacted, That the said board of exchequer may draw bills or drafts on any of its agencies, and may authorize any agency to draw bills or drafts on any other agency, or on the treasury, and may sell, and authorize any agency to sell, such bills or drafts for a premium not exceeding the fair cost of remitting specie to the place of payment, and in no case to exceed two per centum on the amount of such bill or draft: *Provided*, That no bill or draft shall be so sold except for cash paid in funds receivable in payment of public dues, as hereinafter prescribed.*

Sec. 10. And be it further enacted, That it shall be lawful for said board of exchequer, and each of its agencies, when ordered or required so to do by the secretary of the treasury, to purchase domestic or foreign exchange, for the purpose of transmitting the public moneys of the government to pay its creditors, or for public use, and for no other purpose whatever. And it shall not be lawful for the board of exchequer, or any agency, to purchase or sell any bill or draft drawn by or upon any member or officer thereof, or in which such member or officer shall be interested, nor to receive any deposit of any money belonging to such member or officer; and no bill shall be purchased, or draft sold at any agency, without the assent of two of its members.

Sec. 11. And be it further enacted, That all payments made by the said board of exchequer, or of its agencies or offices, or any disbursing officer of

the United States, shall be made in gold or silver coin, or, with consent of the public creditor, in treasury notes, or certificates of deposit to public creditors as heretofore provided, and in no other medium of payment whatever. And all dues to the United States, or any officer or department thereof, may be paid in gold or silver coin, in certificates of deposit issued under this act, or in treasury notes, or in the notes of banks which shall be immediately convertible into specie at the place where received. And the board of exchequer at the seat of government, and each of its agencies, shall settle weekly accounts with all banks in their neighborhood whose papers they may be required to pay or receive; and, in the case may be, all balances between it and said banks; and no individual shall be allowed at any time, as debtor to the exchequer, or any of its agencies, in account.

Sec. 12. And be it further enacted, That no agency established in any state under the provisions of this act, contrary to any law which such state may enact, receive any other deposits than those of the United States, or make or sell drafts, or purchase bills other than such as shall be necessary in the collection, transfer and disbursement of the public funds.

Sec. 13. And be it further enacted, That the said board shall have power to provide regulations for the government of the agencies aforesaid, the transaction of their business, and the rendering accounts of all their proceedings; and, in such regulations, they shall so assign and arrange the duties of the superintendents, registers, and clerks herein provided, as that the said superintendents and registers shall be charged upon each other; and for that purpose, they shall require that the accounts and proceedings of each shall be entered by them, or by their respective clerks aforesaid, in separate and proper books; and the said board shall require of all the principal officers employed in such agencies bonds to the United States for such an amount, and in such form as the secretary of the treasury shall prescribe for the faithful performance of their duties, to be renewed annually, or oftener, if the secretary of the treasury shall require. And full and exact accounts of the proceedings of the board and its several agencies shall be rendered to the secretary of the treasury, in such form as he may prescribe; and it shall be the duty of the said secretary to lay abstracts of the same before congress, at the commencement of each annual session, with an account of all regulations made for the government of said agencies, and to furnish full and particular accounts and statements of the transactions of the board and its agencies when required by congress.

Sec. 14. And be it further enacted, That the board of exchequer and its several agencies shall keep separate and distinct sets of books, for the purpose of entering and recording in one set all transactions respecting the receipt, safekeeping, and disbursing of public revenue, and transmitting the public moneys from place to place for the service of the government, and in another all transactions and accounts arising from dealings in exchange and other transactions not on government account. And all profits accruing from dealing in exchange on individual account shall be applied, in the first place, to pay all salaries and compensations, and to defray all expenses incurred under the authority of this act, and the residue thereof shall be placed semi-annually to the credit of the treasurer of the United States.

Sec. 15. And be it further enacted, That if it shall at any time happen, owing to any law, or to any exchange or other debt or liability arising out of any transactions under the provisions of this act, such suit may be brought in the name of the U. States, in any circuit court of the United States or any state court having competent jurisdiction.

Sec. 16. And be it further enacted, That the necessary rooms and vaults for the safe keeping of the public moneys, and for the transaction of the business of the board of exchequer and its agencies, shall be provided by the treasury department at the city of Washington, and in the custom houses, mint, branch mints, and other public buildings belonging to the U. States, or far or near, as the secretary of the treasury may deem to be for the public service, and when the same cannot be so furnished, the said board may provide others.

Sec. 17. And be it further enacted, That the gross amount of public moneys of the United States, by whomsoever it may be received or kept, and wherever it may be placed or transferred, shall be deemed and considered in the treasury of the U. States to the credit of the treasury of the United States, and no part of the same shall, as heretofore, be taken to pay any expenses whatever in collecting or receiving the same before it is brought into the treasury; but the said gross amount shall be accounted for, and all the said expenses of collecting and receiving the same shall be appropriated by law out of the treasury, as

in other cases of appropriations. *Provided*, That nothing herein contained shall be construed to prevent the transfer of public moneys from one place, or office, or officer to another; nor to repeal or modify any of the provisions of law relative to the post office department.

Sec. 12. And be it further enacted, That if any member of the exchequer board, or any officer, clerk, or employed in its business, or of any of its agencies, or any collecting, receiving or disbursing officer or agent of the United States whatever, in any manner concerned in the collection, safe-keeping, transfer or disbursement of the public moneys of the United States, shall convert to his own use, or in any way, or by way of investment in any kind or property or merchandise, or shall loan, with or without interest, any money or security deposited with or belonging to the said board or any of its agencies, or belonging to any other person or persons dealing or depositing with the said board or any agency, or shall so convert to his own use, appropriate or loan any money or security belonging to the United States, or shall make any discount or exchange of funds other than an exchange for gold and silver, or shall make payments on account of the public service in any currency other than the United States, or shall in any manner, or by every such transaction of such person is hereby declared to be felony, and, on conviction thereof before any court of the United States of competent jurisdiction, every such officer or agent of the United States, and all the persons participating in such acts, shall be deemed to be imprisoned for a term not less than one year nor more than seven years, and to a fine equal to twice the amount or value of the property so embezzled.

Sec. 13. And be it further enacted, That if any officer or member of the board of exchequer, or of any of its agencies established under the provisions of this act, or if any of its officers or members, shall give or sign a false certificate of a deposit having been made with any agency, mint, or branch mint, or shall issue or deliver any certificate, draft or bill of exchange without having received the full value thereof, and caused the receipt of the same to be duly countersigned by the principal agency, mint or branch mint, or shall be guilty of any such offence, or shall give or sign any responsibility of the said agency or of the board of exchequer, or of the United States, shall be deemed guilty of felony, and on conviction thereof in any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term not less than one year nor more than seven years, and to a fine equal to the amount of the false certificate so given, or of the bill or draft so issued or delivered, or to the amount of the responsibility so created or increased.

Sec. 20. And be it further enacted, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid and assist in falsely making, forging or counterfeiting any certificate in imitation of, or purporting to be, a certificate of deposit aforesaid, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid and assist in falsely altering, any certificate of deposit issued as aforesaid, or shall pass, utter or publish, or attempt to pass, utter or publish as true any falsely altered certificate of deposit issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted, any such person shall be sentenced to be imprisoned and kept to hard labor for a period not less than one year nor more than seven years, and be fined in a sum not exceeding five thousand dollars.

Sec. 21. And be it further enacted, That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody, or under his control, or shall have in his custody, any metallic plate, engraved after the similitude of any plate from which any certificates issued as aforesaid shall have been printed, with intent to use such plate, or to cause or suffer the same to be used in forging or counterfeiting any of the certificates issued as aforesaid, or shall have in his custody or possession any plate, or any image of certificate of deposit similar to the paper upon which any such certificates shall have been issued, with intent to use such paper, or cause or suffer the same to be used in forging or counterfeiting any of the certificates issued as aforesaid, every such person, being thereof convicted, by any court of competent jurisdiction, shall be sentenced, and kept to hard labor for a term not less than one year nor more than seven years, and fined in a sum not exceeding five thousand dollars.

QUESTION OF PRIVILEGE.

IN THE HOUSE OF REPRESENTATIVES, SATURDAY, FEB. 5.

[*Concluded from page 315.*]

Mr. Adams commenced by commenting on what he considered the "extraordinary" course of the editors of the *Intelligencer* in declining to publish his remarks unless authenticated by himself. Sir, I do not wish to look into motives, but I say that a state of things exists in this city, wherever a discussion of this occurs, bearing directly or remotely on the subject of abolition, which is itself among the strongest of demonstrations that congress ought to sit where an influence exists. I say that the press here is under an influence which ought not to prevail, especially where a criminal prosecution is going on against a member of this house.

In the first place, there has existed a ranted prejudice against me for years past, in consequence of the course I felt it my duty to pursue in defence of the rights of petition. Witness the letter which I read to the house some days ago, threatening my life if I did not abstain from my "villainous course." Sir, it is a slavery prejudice; it is a prejudice entertained by all slaveholders, who conceive that I am engaged in doing injury to their interests. These galleries and every other section of the hall are full of descriptions. And this state of the public mind ought to hold to be altogether unsuited to the grave and solemn nature of a public trial, which I ought to be impartially conducted.

I say, in the next place, that the public press in this District is under the same influence—an influence both positive and negative. The editors of the press and utter misrepresentation of one press against me, and negative in the refusal of the other to do me justice. And the press is further under other influences from the organized suppression at the South. All sorts of publications in anywise connected with the subject of abolition. The editors of newspapers here know full well that if they send, for instance, to the city of Charleston, any thing which a committee of incendiaries may choose to think infected with abolition sentiments—a committee which, contrary to the constitution and in defiance of the laws of the Federal Government, and the freedom of the press, seize upon and pillage the public mails, and burn, without scruple, whatsoever they are pleased to consider as tainted with abolition: these editors, I say, know full well that if they send any such matter in their reports to that quarter, they do it at their peril. And this consideration operates not only here, but in the large cities of the union, where papers are published which have large numbers of subscribers at the south. Some three or four years ago, there was a meeting held in the city of Charleston, South Carolina, assuming a control over the position of the press, and I assumed the right of pilfering from the post office; all papers which did not suit their own views; which meeting appointed a committee to seize upon and burn all documents, coming to that city through the mails, which they might please to consider as being, in any degree, tainted with abolition. And the printed proceedings of that meeting here, and should be glad to have them read at the clerk's table.

[A very long extract from the proceedings of such a meeting was here read by the clerk, and then statements of the fulfilment of their resolutions. There were also read the correspondence of James Randall the postmaster of the city, with J. J. Caldwell, chairman of a meeting of the citizens of Petersburg, Va. in Aug. 1835, and also a letter from Mr. Kendall of Aug. 1835, to S. L. Gouverneur, post-master at N. York, after which,

Mr. Adams resumed. I have been induced to call for the reading of this document, in order to show the influence of the views, arbitrary and discretionary, of a department of this government, under no other law or pretence of law than necessity—the tyrant's law. Here is an officer of the United States government, who unequivocally admits of retaining papers, without distribution in any way, or delivery to law, who expressly says that he does not and will not authorize it, and yet tells the postmaster that he applied to him for directions in the case that he must act in the matter upon his own discretion. I denounce it as a violation of the freedom of the press, as a violation of the sacred law of slavery contrary to the rights and liberties of all the free people of the United States. It is but one of a numerous class of facts which I intend to adduce as proof that there is a regularly organized system on the part of the south, not merely to sustain their own views, but to keep the law of slavery through the free portion of this union.

As another illustration of this assumption of tyrannical power over the press and over the post office, I

desire that this paper from *John Jay* may now be read.

[The clerk here read a paper from John Jay vindicating the opinions of his father John Jay, from the tenor they are made to assume on the subject of slavery, in a biography of him published in the Library of Harper's district school library, written by Mr. James Renwick, professor of chemistry in Columbia college, and varied from the correct memoirs originally written by Wm. Jay in a mode to accommodate them to more to southern feelings.]

Mr. Adams resumed. Here is a case of the wilful falsification of the published life of one of the most illustrious patriots of the revolution, by the expurgation from its pages of that which is called offensive matter, being offensive to the feelings of the south.—Under this same influence, the printers, even of school-books have acted. There have published upwards of a hundred volumes of books for the use of schools, which books have been confessedly expurgated of all those original portions and passages which was supposed by the publisher would be deemed offensive at the south. This I charge as having the effect of this course of organized and disciplined violation of the post office department. It results in a suppression of the freedom of the press and in the actual falsification of the truth. I say that it furnishes one of the strongest proofs of a great combination of the slaveholders of the south, to keep the portion of this union to extend the law of slavery through the free states.

But all this is not to be reported. Oh no. The *Intelligencer* goes to the south, and it must be expurgated of all I have now read, and of all that I said yesterday. It must be expurgated of the exposure which I then made of the editors of the *Intelligencer*, a committee of this house, and it is to be expurgated of all that I now say, and all I can hereafter say, in my defence, because, forsooth, the reporters of the National *Intelligencer* have not thought proper to report what I said. And now this house and the nation are warned that the editors of the *Intelligencer* will publish no report of my defence but such as shall be authenticated by myself. Under these circumstances, I am unwilling now to proceed further, and I therefore propose a postponement of the residue of my defence until answers shall have been received from the calls which I have made, at my instance, made on the president and two of our members of the cabinet. I deem this in my defence, and I deem necessary and essential to my defence, and until time shall have been afforded for such preparation as shall enable me to furnish an authentic report of my defence.

I therefore propose that the further consideration of this subject be postponed until answers to those calls shall have been received.

I will propose next Thursday week.

Mr. T. F. Marshall said. I think this is the sixth day during which the attention of this house has been occupied by what that gentleman calls his defence. He has been here for six days, and he has been talking of defence as was occupied in the erection of the world, which took, I think, just six days.—[a laugh]—and yet it must appear on the most cursory view of this proceeding that there are but two questions, a first and one question of law and a second. Has a petition been presented to congress, and is it proper to take steps to dissolve the union? Did the members from Massachusetts present such a petition? And on these two facts does there arise a contempt of this house? This comprises the whole matter. Now, as to the facts, there are both in the knowledge of the house. We have the petition presented to congress. He proposes to get certain information from the executive departments, which, in connexion with what he has already advanced, shall enable him to make out a justification both for his constituents and for himself. He has already apprized us that the southern portion of this union is under the direct action of slavery into the free states of the north: he has already announced, in his argument, that the south was for a war with Great Britain, for the purpose of reviving the African slave trade: he has warned the people of the north that the south are endeavoring to repeal the laws of the land, and the trial by jury, he has announced further to this house and to the world, he being at the time chairman of the committee of this house on foreign relations, and announced it in the presence of a British nobleman, who was a listener to the debate, that Great Britain is endeavoring to send the mail to such American vessels; he has defended the claim of Great Britain on that subject, to the condemnation of his own government.

[Mr. Adams. No, sir; I deny it.]

I have already referred to the report of the gentleman's speech: I heard nothing of that speech. The report of his speech in the papers, and the gentleman here denies that he took any such ground. Now it does not happen that the report of that speech is twofold. There is one report of it in the *Intelligencer*

and another in the Globe. Between these two reports there are discrepancies quite sufficient to show that there has been nothing like collusion on the part of those who made the resolutions. The language is often different, but the substance is the same; and the declaration of the gentleman that he introduced the petition which has given rise to this proceeding for the purpose of alarm, is precisely the same in both the reports.

Now what is the question? It is on a motion to postpone the further consideration of the subject. The speaker gave him time to make out his case. He says that he is charged by me with subornation of perjury and of high treason; that we are sitting as a court to try him on that charge; and, if he is condemned, the consequence is, I suppose, to be death. I will now say nothing on that; but, I ask, what charge can it make on the question before us, if the gentleman shall succeed in proving all he has undertaken to prove? Congress has no more right to act on such a prayer, and he has no more right to bring such a prayer before it, if the alleged case be true, than if it be false.

But these things, when obtained, are to go before the country, and a new issue is to be made not springing from the record. Bitter, bitter appeals are to be made to northern prejudice. Every feeling of hostility to the south is to be kept alive, and stimulated and irritated by agitation, and the question is to be taken up by the nation. The motion which was introduced for a case of grievance has been made out sufficient to warrant a dissolution of the government, and on that question the whole floodgates of angry declamation are to be opened wide upon the peace of the country. The gentleman himself is to be allowed to lead the column of the six days through which all those treasures of wrath and fury which have been accumulating in his own bosom on an issue which he is trying to make, and which is not before this house.

I have carefully marked the various charges, the successive phases which the gentleman's defence has assumed, the course of the six days through which it has continued. One day we were entertained during almost the whole time by the gentleman's biography, by anecdotes of the emperor Alexander and Calneinco, and Napoleon and the British indemnities, and fourth of July speeches, and these were relied on as a defence for presenting a memorial to Congress, and for supporting the prayer of the petition of his attachment to that which his constituents ask us to destroy. But the next day, emboldened by the course which the sympathy of this house for the gentleman's years and standing induced it to pursue towards him, the gentleman goes back on his old ground, and he is going to the very heart of the matter, the unionist, but he returns to the point and endeavors to prove the most deadly designs on the part of the south, and asks us to enable him to get documents to produce that alarm which he from the first avowed it to be his object to excite. Is this house prepared to aid in such a design? I ask northern gentlemen here whether they are ready to strengthen the hands of the gentleman from Massachusetts in such an endeavor? Will they connect the abolitionists of the north with the tremendous proposition to dissolve this union? I have already declared that I am prepared to resist to the last such a proposition to this house to the union of these states. The gentleman was not always so ready to ask to consume the time of this house. Oh, no! there was a period during these transactions in which he was the tenderest man alive in his regard for the time of the people. He was the first to get up and to ask that he might gather materials for a further defence, which it is to consume the Lord knows how much more of the time of this house. I do trust that, for the sake of obtaining matter not only entirely irrelevant, but deeply mischievous, the house will consent to no such thing.

Mr. *Wood* said that he had from the very beginning resolved to make a test of the subject of the resolution. He had some experience, from the fact that he had witnessed in past times in this house, and from the effect of such proceedings on the country. He had seen many such questions raised here, and had seen them all end in snare and fury. This had induced him to make a test of the subject as fast as possible. He knew that the country was suffering, and that the house was disgraced in the eyes of the country. He concurred with the gentleman from Kentucky (Mr. *Marshall*) that there were wild fanatics to be found at the south as well as the north, and that the house ought to lend no countenance to either. Believing, as he did, that the time asked for by the gentleman from Massachusetts might be got by adopting the resolution of the gentleman from Virginia (Mr. *Sumners*) to refer the whole subject to a select committee, he hoped that course would be adopted. He believed that the gentleman was an opportunity to escape from a dilemma which he believed was agreeable to neither. He was opposed

to granting the postponement now asked for. He feared the house would refuse it, and that all further action on the resolutions, either of the gentleman from Kentucky (Mr. *Marshall*) or the gentleman from Virginia (Mr. *Gilmer*) would be superseded by adopting the amendment of the other gentleman from Virginia (Mr. *Sumners*) to send the whole matter to a select committee. Under this impression he would now move the previous question.

Mr. *Sumners* said that the gentleman from Tennessee (Mr. *Arnold*) withdrew that motion.

The speaker (addressing Mr. *Arnold*) inquired if he withdrew the motion for the previous question?

Mr. *Arnold* said that, if the gentleman from Massachusetts withdrew his motion to postpone, he (Mr. *A.*) could not, of course, insist on the motion for the previous question.

Mr. *Arnold* withdrew the motion to postpone.

Mr. *Sumners* resumed. When I made my proposition to postpone, I was under the impression that it would meet with no opposition in any quarter. I did not make the motion from any desire to postpone my own rights, nor did I suppose that there was any man, not even the author of the resolution, in which he so tenderly informed me that I might consider it merely in the house that I was not expelled, and in which he charged me with the crimes of high treason and subornation of perjury—that even he would evince that he could not defend the resolution, his victim, by which he is to appear that he is actuated.

This gentleman, with the alteration of the member from Accomac and the gentleman from Albemarle, (for they speak by turns), is determined to resist and oppose every thing that I can say in my defence. He now complains that I have occupied six days of the time of this house. Well, sir, if I have, he and his two auxiliaries—I will say his two accomplices—have occupied among them six days in their vituperations. Surely a man at the bar of the house, and under trial here, may be entitled to at least as much time as this combination and accumulation of three of the most influential members of the house against him. I shall want more time, for it is impossible to shut and finish to-day; and I appeal to the sense of justice in this house, not to close this procedure before they suffer me to get those items of evidence which the house, by its own vote, has declared me entitled to. I claim more time, especially if each individual of this house is to be considered as a party to the charge, and they are to use their combined influence to precipitate this house into a decision.

The gentleman from Kentucky, in the argument he has just submitted to the house, has totally misrepresented me. He has argued as if, in my defence, I had favored and countenanced the objects of the petition; as if, in presenting it, I had not expressly disclaimed all concurrence in the prayer of the petitioners. My open disclaimer made here at the time is of no use as regards him. He persists in charging me with what I explicitly contradicted by the very words I presented to the house. He has said that I am to impeach men. No such person, as he has brought to conclude that I am or have been in favor of the petition. Such an assumption is false in relation to any petition which a gentleman may present. Even if he says not a word against the prayer it may contain, he is to be inferred that he is himself in favor of the object of the prayer, but in my opinion there was an open disclaimer; I expressly declared myself opposed to the prayer of the petitioners, and said that I presented it only out of my regard to the right of the people to petition here for a redress of grievances.

But has the gentleman responded to my call to show his own disclaimer when he has so reviled the relations established by the constitution, that the constituent shall be responsible to his representative, and the representative shall have the power of declaring him guilty of high treason and subornation of perjury for sending a petition to this house? Where, then, did he get up this? The right of petition is expressly guaranteed to the constituent without any such limitation as is attempted to be imposed upon it here. I ask, where are the rights of a constituent if the house is to proceed on the principles laid down by that gentleman? It is the quintessence of tyranny, of a tyranny not equalled by Caligula or Nero, of which the gentleman has spoken. One of those celebrated tyrants of antiquity was charged with writing his laws in such small characters, and hanging them up so high above the reach of the people, that they could not be read; but he never was allowed to punish the violation of a law that never was read. Will the gentleman send this petition to his house into a tribunal before which its constituents are to be tried for high treason and subornation of perjury for exercising their right of petition. His doctrine makes the representative the judge, instead of the constituent. That is the first law of the kind ever heard of. According to the report of Mr. Elmore,

in the *Gilfer* case, that is in the law which the house will have made that is adopted the report of the majority of the committee in that case. It reverses every principle of the constitution. Where, I ask again, does the gentleman get his right to do this? Where is his law for charging a constituent with high crimes and misdemeanors for exercising the constitutional right of petition? Where in law is one such word to be found?

But if it is so, do assume such a power—if they claim such an authority in this case—they assume it in reference to every petition presented here. They assert a discretionary power in this house to punish a constituent for presenting any petition. If you can punish him for presenting a petition peaceably to dissolve this union, then you can punish for the presentation of every abolition petition. If the alleged right shall ever once be exercised, that will come next. Every member here who presents an abolition petition will be told he has incurred the censures of this house; and, if so, how can a constituent ever bring an abolition petition before this house? If they offer you a petition to recognise the independence of the republic of Hayti, they will be told this is an abolition petition—is its presentation a criminal thing? It is an act of treason. Why? Because it is possible some Quasimampo may come here as a public minister; and that would be high treason, according to the gentleman's doctrine. He will then call to the gentleman to resign and again for his law. He cannot show any. And I say he falsifies my purposes by assuming that I am in favor of the object of the petition.

The gentleman from Kentucky supposes there is some inconsistency in my course, if, after being borne down by the weight of the eloquence of the gentleman himself, and his coadjutors from Accomac and from Albemarle, and of the extensive conspiracy against me in this house and out of it, I offered to dismiss the whole subject without defending myself, and now, after that offer has been refused, I insist upon occupying sufficient time to do good my defence. I ask him what sort of reasoning is this? But the gentleman goes a great way further. He assumes that, even admitting the truth of all the positions I take, there is a conspiracy in the south to destroy the right of petition—to destroy the right of habeas corpus—to destroy the right of trial by jury—to destroy the freedom of the press—to violate the sacred trust of the post office—to get up a war with Great Britain on false pretences, but really for the protection of the slave trade;—even, if all this is true, still it is high treason and subornation of perjury in the people, if they are suffered to come to this point, and say that their offering under this state of things is intolerable that, in their opinion, a dissolution of the union is better than its continuance and increase. I put it to the reasoning power of every gentleman in this house, if the conclusion is not far from being a correct one. If all this oppression is really endured by the people, how can they be expected to come to this point, and here and petition for redress? The people, I admit, may have mistaken their own power and the power of this house as to the means of redress. But will this house constitute itself a criminal court, and say that whoever presents such a petition is guilty of high treason and subornation of perjury? Will the man who presents it be guilty of a contempt of this house? Is there a man here, besides the author of these resolutions, who will draw such a conclusion? I appeal to the Declaration of Independence. There I find a very different doctrine. The doctrine that whoever presents such a petition is guilty of high treason and subornation of perjury, is a doctrine which government which inflicts it upon them. It was on that very principle that the declaration itself was issued. It enumerates the various oppressions under which the colonies were laboring, and it says that they constitute a case where the people have a right to revolt.

The gentleman from Kentucky tells us that even if all the oppressions I undertake to prove be true, still it is high treason to make a movement towards overturning the government. I make myself at liberty not only to claim for the people of the free states a right to present the grievances under which they suffer, but to take up the whole subject of slavery in this house, and to demand its abolition, without being or a curse. And if I shall argue that it is a curse, I hold in my hand and claim to read a parallel which will show the opinions of at least one man on that subject. The pamphlet contains a comparison between the progress of the two states of New York and Virginia, from the time of their becoming free and of free labor. It shows that under the effects of slavery, Virginia has declined in property, prosperity, and population; while, on the contrary, New York has risen from being the third or fourth state to be the most powerful and prosperous in the union, while

Virginia, whose chief loss is greatly the decrease of the freedom and fair risk. That is the doctrine of the pamphlet from which I shall now read. Here is a pretty considerable statistical argument. He refers to the census of the two states at different periods and says:

"Statesmen may differ about policy, or the means to be employed in the promotion of public good, but surely they ought to be agreed as to new remedies. I think that there can be no dispute that New York is a greater, a richer, a more thriving, prosperous, and powerful state than Virginia. What has occasioned this difference? We have already seen that, as to advantages merely physical, as to soil, climate, extent of granary, and power, Virginia was unsurpassed. What accident or misfortune operated in this case? Has a despot government bowed the spirit and cramped the efforts of Virginia? Has she suffered under the desolations of war, or the scourge of pestilence? Over this land of a balmy atmosphere and pure air, smile health and cheerfulness. Hunting grounds of mineral and medicinal waters burst from her mountains.

"The most delicious baths, the most salubrious springs, tempt from every land the pilgrims of affliction and disease. With war she has nothing to do, against its dangers, its horrors, or its burdens, she has no mission to make. Her government and people are not charged with the care or expense incident to defence. The broad shield of the union is spread before her. The potent arm of that government, which combines the strength and revenues of twenty-six states, and wields the whole for the protection of each, is pledged to maintain her rights and her safety against all the world. There is but one cause, commensurate with the effects produced. The evil which has stayed the march of her people, the incus which has weighed down her enterprise, strangled her commerce, kept sealed her exhaustless mines, paralyzed her arts, and paralyzed her manufactures, and improvements, is SLAVERY. This is the cancer which has corroded her revenues, laid waste her lowlands, banished her citizens, and swallowed up her productions. This is the magazine the least approach to which fills her with terror. This is the smoldering volcano which will bear no hiding. This is the breath which will blow the threat to stir its sleeping but unextinguished fires, drives her to madness. Oh! well might she curse the tyrant who planted this dark plague-spot upon her virgin bosom!"

Mr. Adams was called to order by Mr. Saunders, who asked the speaker that the reading of articles in opposition to, or in support of the right of slavery, or of the conduct of the abolitionists, was not pertinent to the question.

The speaker said that the proposition to commit to a select committee was offered as an entire substitute for the resolution, and that the merits of the whole merits of the subject-matter to which the had reference were laid open, and by years '37, nos 26, the house affirmed the decision of the speaker.

Mr. Adams continued. That is irrelevant, is it? But did the petition presented call for the abolition of that execrable crime? No—it asked such things. Did the petition ask that the oppressor should suffer from that curse, and from the attempts of a majority here to establish and confirm that "plague-spot on the virgin bosom" of the state of Virginia, should be considered by this house, and that the house will determine whether they shall continue to be considered as it now is, and as it has been, all that oppression which those who sustain it are obliged to exercise over the rest of this union.

And now who is the author of these glorious sentiments?—of these words of fire? Can you imagine a man who, after he had exposed himself in his native state by the production to the world of such a pamphlet as this, and be charged with the crime of libel? He no longer held that language, should rise on this floor and charge another with high treason and subornation of perjury for language infinitely weaker? I say, can you imagine a man who, finding himself involved in the odious and horrible charge of abolitionism, and aware that noble sentiments which are embodied in this pamphlet, and who supposed he might somewhat restore the broken reputation under which he labored in his own part of the country for uttering these words of glory, turning like a tiger on another man with charges equally false and atrocious, and then, finding himself sufficiently satisfied, and thinking that thereby he may again be restored as an orthodox not believe in the slavery creed in his own native state?

In the outline of the defence which I propose to make, I enumerated, in general terms, a series of charges against the domestic, which the free people in a part of the union I come from suffer from that "plague-spot" of which this pamphlet so elo-

quently speaks, and from its consequences; and in order to prove that that enumeration was supported by fact, I asked for the time which should be necessary for that end; for it may well be supposed that it will require time to collect such a variety of facts, and to examine principles of so extensive a bearing.

Mr. Marshall here put some query to Mr. Adams, whether he asked for that pamphlet as proving his fact, or as being an abolitionist?

Mr. Adams replied, no, sir; he was proving that you had been charged with abolitionism in your own state, and as being, as I supposed, ready to turn on me with the fury of a tiger, in order to satisfy your constituents in Kentucky that no such charge could now rest upon your name.

Mr. Marshall made a reply, inadvisable to the reporter.

Mr. Adams. I meant no personal attack upon the gentleman. I read with the highest commendation passages from a pamphlet which he himself put into circulation. I did not consider it as in any sense confidential.

Mr. Marshall. Nor is; not at all; I knew my man.

Mr. Adams. I do not know what he means by that; if he thought he knew his man. * * * [Here the rest was partially lost to the reporter—it was, he believes, something about knowing him better before these proceedings were ended.]

Mr. Marshall. I knew that the gentleman respected nobody.

Mr. Adams. Ah! the gentleman is touched, is he? He makes a personal matter where I intended none. These are glorious sentiments: would to God I had powers of eloquence equal to the utterance of such sentiments.

I hold that it is no perjury, that it is no high treason; but the exercise of a sacred right to offer such a petition; and that it is as false in morals as it is inhuman to fasten that charge on men who, under the countenance of such declarations as I have here quoted, come and ask of this house a redress of grievances. I undertake to prove that the consequences in the free states from this "curse," justify them in such a course. And if they do mistake their remedy, this government should not turn them away, and charge them with high treason and subornation of perjury; but ought to take it up—to watch the conduct of the slaveholders—to elucidate the facts in the pamphlet I have quoted, these should be considered. If they have mistaken their remedy, the house should do as the gentleman from Kentucky (Mr. Marshall) told us he was ready to do, admit the facts, and tell these men that their grievances are not to be remedied by a dissolution of the union; that there are other remedies within their power, either by obtaining an amendment of the constitution, or in some other constitutional mode; and that, although congress cannot grant the prayer of their petition, they will take upon themselves to remove, so far as they can, their just causes of complaint.

These sentiments in the pamphlet from which I have read, are the sentiments of the great patriots and fathers of the revolution—of Washington, of Jefferson, of Madison, of Monroe. They were the sentiments of Mr. Jefferson throughout his whole life. He proclaimed them in the Declaration of Independence; he proclaimed them before he entered the legislature of his own state; he had even proposed in that legislature the abolition of slavery. And these continued to be his sentiments down to the last day of his life. I will not read the eloquent passage so often quoted by his Notes of Virginia—a passage dependent upon the fact that he trembled at the consequences of an instruction of the slaves, and admitted that in such a contest "the Almighty had not one attribute which could take sides with the master." I refer those who charge me with crime to the latter itself. In one short passage of the autobiography of his own life, he proclaimed it close, in the seventy-fourth year of his age, and shortly before his death, in giving an account of his movements in favor of a revision of the laws of Virginia, he speaks of a bill proposed by him to be introduced for the abolition of slavery; and he there says, "I am of those of life—with eternity perhaps before his eyes."

"The bill on the subject of slaves: was a mere digest of the existing laws respecting them, without any intimation of a plan for a future and general emancipation. It was thought better that this should be left to the future; that he trembled at the prospect, whenever the bill should be brought on. The principles of the amendment, however, were agreed on; that is to say, the freedom of all born after a certain day, and deportation at a proper age. But it was found that the public mind would not yet bear the measure. It was therefore dropped. Yet the day is not distant when it must be adopted, or, worse will follow. Nothing is more certainly written in the book of fate than that these

people are to be free men; it is but certain that the two races, equally free, cannot live in the same government."

Yes, sir, and he adds, "the day is not far distant when this must be done, or worse will follow." These were among the last words of Jefferson; and I ask what worse than this was there in the memorial I presented, and which so deeply affected the sensibility of the gentleman from Kentucky, that he charged me with high treason and subornation of perjury for introducing any thing that even equaled towards such a thing? I say it was no crime to present such a petition here. And I hope my colleague, (Mr. Cushing), from whose immediate constituents this petition came, will vindicate himself and them from the charge he put forth against both. I say it was no crime. It was only the exercise of a right, although they who exercised it may have mistaken their remedy. I believe their complaints to be just; and I hold that this house, instead of turning them out of doors, and charging them with crimes, is bound to consider their petition, and to return them answers which will contribute to the removal of their grievances, and reconcile them to the continuance of the union, which, under a state of irritated feeling, they may have, for a moment, been ready to depart from.

Sir, the dissolution of the union! high treason! subornation of perjury! Why, sir, what is the whole of the high treason and subornation of perjury in the last ten years? What are the two resolutions in the pamphlet from which the gentleman from that state (Mr. Batts) read to us on this floor? Was that gentleman ever charged with high treason for having prepared such resolutions to be offered here? Was charged with subornation of perjury for putting his own person? If there be any foundation for the charges now made against me, then the gentleman from South Carolina is guilty of actual perjury in his own person; for, like the rest of us, has sworn to support the constitution. Sir, dissolution of the union! high treason! subornation of perjury! Why, sir, it is but a few days since one of the gentlemen from Virginia (Mr. Batts) rose in his place and declared that one of the high officers of the government—the secretary of the navy department—was of opinion that it is high time the union should be dissolved, and that he was in favor of it. The gentleman from Academy instantly denied it, and then wrote to that high dignity, calling upon him for his own disclaimer of such a charge; but he showed nearly the same sort of courtesy to the gentleman from Virginia as the gentleman from Kentucky has shown to me. The high dignity, it seems, is far above any association with a member from Richmond. Oh! yes! he is very far superior to him; so much so, that he calls upon the public to disavow that any conversation could have been supposed to pass between them. He moves in a higher sphere! [A laugh.] A member of this house, placed here by the constituents, is to be found in this country—the man of forty-seven thousand—was a character far too low ever to be found in conversation at all with so elevated a dignity! [Laughter.] But does he deny that he entertained the opinion charged upon him? Oh, no, he admits it all. But does it vex him, does it offend him, does it offend him, and what were they? After asserting the high superiority of his personal dignity over a mere common member of congress—I say a common member—but I might have said, and all here will bear me out in saying, a very distinguished member of congress; but he declared that he was very far above any association in a higher region, [a laugh] perhaps above the clouds—perhaps in them. [Loud laughter.] After stating this, he goes on to say:

"I will not pretend to say what Mr. Batts can give, but I assert, in the most direct and unequivocal manner, that he cannot prove the truth of his charge against me, by any witness who is himself a man of truth. I understand that charge to be that I am, or have been, the advocate of an immediate dissolution of the union, without qualifications or conditions. I have never, at any time during my life, entertained any such opinion or feeling. On the contrary, I have on all occasions advocated union upon the true principles of the constitution, and have sought to recommend my own principles, upon the ground that they were conservative of the constitution and the union. This is the only ground upon which you can find any basis for your charge upon this very subject. You say correctly that I have printed and published my opinions under almost every form of address, essay, pamphlet and book; and if any thing can be found in any of these publications to justify the charge of Mr. Batts, I will surrender to the point."

Now we shall see hereafter whether he "surrenders the point" or not. Mr. A. further read as follows:

"I think it almost certain, although I cannot recall any other occasion on which it occurred, that I have expressed a decided preference for a dissolution of the union over the establishment of systems of policy which I regarded as fatal to all true liberty. I avow the same opinion now. I would sooner see the union dissolved than witness the establishment of any principle which I hold to be true character and destroy its legitimate objects." These opinions I am very certain that I have often expressed, and I shall often express them hereafter. But that I am, or ever have been, a disunionist, in any other sense than is here expressed, is utterly untrue."

His "decided preference"—for what? For high treason? [A laugh.] No. For subornation of perjury? No. "For a dissolution of the union?" [Laughter.] He thinks he has. [Laughter.] Now I say, give me the benefit of that condition, and I will show that the men of Hayti will be most interested persons in the union. I am going to prove that the oppressions they suffer come within the very condition on which the honorable secretary says he should prefer a dissolution of the union. To be sure they would not be the same. The secretary says he would sooner witness a dissolution of the union than witness the success of this abolition movement. What does he mean? I suppose the Haytian petition is the "abolition movement." If so, what is its "success"? That must be, its reception by this house. Not the grant of what it prays for—but only that it shall be received. And does this high dignitary—the secretary of the union—think that the only way in which he should prefer a dissolution of the union to the reception of this petition by this house? Perhaps the member from Accomac or the gentleman from Kentucky may be of that opinion. But suppose he is not, what does it mean? What is the "abolition movement" as before you now? Suppose the abolition of slavery in this District of Columbia—and perhaps the abolition of the slave trade—the recognition of the black republic of Hayti, and the reception of Quashponpo as a foreign minister—does the secretary say he would prefer to this the dissolution of the union? Does the gentleman from Kentucky say that? I do not ask the member from Accomac—but ask the gentleman from Alabama, who offered the first of these resolutions against me? Does he mean to say that if a petition which has been received by the house, and referred to a standing committee of this house, and on which a report is presented, should be granted—and in consequence our commerce with Hayti shall be doubled and quadrupled, and the claims of our citizens on that government (suspended now, on the simple condition of our acknowledgment of Haytian independence) shall be allowed and paid, this house, and such a report as I have presented, should be rejected? Will he instantly give up the dissolution of the union? Or does it mean more? I charge on the secretary's answer indefinite language: there is an evasion of the question: he may stretch the terms he has used, or not; but contract them, when it comes to an answer to the question, "are you or are you are not for a dissolution of the union?"

Again: He says he should prefer a dissolution of the union to the establishment of "a consolidated government." And what is "a consolidated government?" Many say that "this government is now a consolidated government." They are vague terms.—They have no specific meaning. They are terms used to escape by a vague qualification like this? But he should prefer a dissolution of the union to the establishment of principles "which violate its true character, or its legitimate objects." And again, I ask, what are they? Most assuredly to this secretary they are the union, and the rights of the people, and the rights of the nation. What is the "true character" of the government? What are its "legitimate objects?" Here is a wide range for every member of this house to judge for himself. If one man has a right to say what they are, another man has the same right, unless the true character and legitimate objects are defined. On this ground, every man in this house, as soon as in his opinion, the true and legitimate purposes of this government are violated, may take steps to dissolve the union. Here, in this house, is a body of us, who think that a protective tariff is among the "legitimate objects" of the federal government, and not only so, but that its establishment is one of the most sacred duties of congress. We hold that the constitution is extended over this wide empire for the protection of all our great interests—for the protection, if you please, of the interests of slavery. I do not deny that. I admit it. For the protection of

the people against the Indian tribes, and my constituents have paid by the million for such protection. We think this government was established for the protection of commerce, of navigation, of agriculture, of manufactures; and that if you put out of that protection any one class of our citizens, you do, in fact, dissolve the union, *in so far*. Yes. I think that so help me God! Is that the creed of either of the gentlemen before me from Alabama, (Mr. Houston and Mr. Payne?) I throw not. They may think it is for the purpose of the slave trade, African or American; but I say it is for the protection of slavery in the states where slavery exists. Yes. I think that the government is for that, and I am willing, to the extent of the constitution, to carry that protection into execution. But I will not, under color of doing this, go for the protection of the slave trade, or for depriving the people of the *habeas corpus*, or of the trial by jury, or of the freedom of the press. I am not for that; perhaps the gentleman from Kentucky is.—That is a difference of opinion. It is a fair subject for discussion in this house, for mutual compromise, for friendly consultation, and mutual accommodation after proper discussion had.

Now I will merely take the platform laid down to us by the honorable secretary of the navy of his purposes, wishes, and opinions, as expressed in private and in public, and claim the benefit of them for these petitioners. I will take his ground, and say that these petitioners are entitled to do the same. I believe the grounds are mistaken by them and by him. I have no faith in the doctrine. I hold that the secretary is more responsible to his country for the avowals he has made in that letter, than the petitioners are for the language used in their petition. I claim for them the benefit of these opinions, as I do of the pamphlet quoted to us here by the gentleman from South Carolina, (Mr. Rhett.) I insist, I demand that this house shall not assume to be the accusers and the judges of its constituents as well as of myself.—They have no authority over them. They have no right to charge them, for the exercise of their franchises as freemen, with high treason and subornation of perjury. Me the house has in its power, but not my constituents; and I say it is insolent presumption and a violation of the house to arrogate to itself this supervision over the constituent body. I say further, that, if this charge is to be referred to a select committee, I demand that these petitioners shall be heard before that committee; or, if it is to be sent to a court of justice, that they shall be heard before that court, by themselves or their counsel, with all the benefit of witnesses and of the attendance of all before this house charge me with any offence in having presented their petition. The gentleman from Kentucky contends that no charge of treason or of subornation of perjury is made against me, because, in my opinions, I direct that charge against them; but I say that he has no right to bring such a charge against me before they shall have first been proved guilty before the courts of the country.

At this point Mr. Adams gave way for a motion by Mr. Batts to adjourn; which motion prevailing, the house thereupon adjourned.

This debate was not further carried on; the house having, at the next day's sitting, disposed of the question by laying the whole subject on the table.

TWENTY-SEVENTH CONGRESS, SECOND SESSION.

SENATE.

FEBRUARY 16. The president laid before the body communication from the department of state in relation to the sixth census, distribution of the copies printed, &c.

The following memorials and petitions were presented and appropriately referred:

By Mr. Buchanan, from citizens of Warren county, Pennsylvania, in relation to the treaty with the Seneca Indians.

The following memorials from citizens of Pittsburg and its vicinity, asking congress to repeal the tariff laws and grant protection to home industry.

Also, from the manufacturers of window and flint glass, asking additional duties on that manufacture.

Also, from citizens of Columbia county, against the admission of any new slave state into the union, and against the annexation of Texas. Motion to receive laid on the table.

Mr. Walker submitted a resolution calling on the executive for information as to what proceedings, if any, had been had in the case of the Creole since the transmission of his last communication to this body.

Mr. Benton submitted a resolution instructing the judiciary to bring in a bill to amend the bankrupt law in certain particulars.

Mr. Barrow's resolution hitherto submitted for information on navy yard expenditures, Pensacola navy yard, &c. was taken up and adopted.

Mr. Woodbury's resolution for information on expenditures on public buildings in the city of Washington was taken up, amended and adopted.

Mr. Mangum submitted a resolution for detailed information of expenditures on treasury building and inland navigation.

The following resolution, submitted by Mr. Walker on the 4th instant, was taken up:

Resolved, That the president of the United States be requested, if not incompatible with the public interest, to communicate to the senate all papers addressed to the president by the United States or department of state from citizens of the United States having claims upon Mexico, relating to the terms of the convention between the U. States and Mexico, prior or subsequent to the execution of the same, stating objections to its execution, and the answers thereto; also, copies of the minutes of the board appointed under said convention up to the period when they proceeded to act on individual cases; also, copies of any notification from the state department, or from any other quarter, of the time and place of first meeting of said board; also, copies of any communications which may have been addressed to the members of the board from any of the members of either of them, touching the organization of the board or its mode of proceeding; also, copies of the commissions of all the members of said board, and of the instructions, if any, given to them by the president; also, copies of all communications, if any, from the late American consul at Santa Fe to the department of state touching any violation of the rights of American citizens.

Mr. Adams moved to amend the resolution so that it should be requested to be communicated to the senate a tabular statement of the names of the claimants whose claims have been presented to the Mexican commission and acted upon by the board of commissioners, and the amount of the claims actually claimed in each case, principal and interest, if any; the amount reported and allowed by the board of commissioners, and the date and amount of the award, designating the interest, principal and total, and showing in cases where the award has been made by the empire, the amount allowed by the American or Mexican commissioners and by the said empire.

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Mr. Clay said the resolution called for a great volume of papers. From what he had heard, he believed that the committee would be able to get up a list of some of the claims. But what he would ask, would be gained from the adoption of the resolution? The executive, it seemed to him, was the proper authority to remedy the defect growing out of a neglect of claims. The power to negotiate and treat was left to him, and he should act after, and not before, the result would be made manifest to the country, rather to embarrass than to diminish difficulties. The same was true in regard to the Creole case.—Difficulties were multiplied by the action.

Mr. Calhoun said he concurred with the senator from Kentucky generally in regard to what was said respecting our foreign relations. The executive would be obliged to be guided by the senate in regard to the Creole case, as he would be in regard to the others. But he had partial information on this subject, and it was desirable that we should have fuller information.—Mr. C. made some reference to the British parliament, as affording a precedent for the kind of information to be obtained in reference to the Creole.

Mr. Clay said, in regard to the practice of the British parliament, in regard to the Creole case, giving pending a negotiation. In regard to the northern question, the publication of information had threatened the worst consequences, and two of his colleagues had feared a rupture in England and here, that communications had been published pending negotiations.

Mr. Fries said, that while there had been too much latitude in the regulation of information here pending negotiations, there had been too much strictness in the governments of Europe.

He believed that there was a disposition abroad to relax in this matter, and to conform more to the American usage. Nothing, he believed, had yet been published in relation to the Creole case, but all calculated to affect the interests of the parties in the case. No interference to the case now under consideration, he thought it should be referred to the committee on foreign relations, who had the subject under their consideration. He thought with the senator from New York, (Mr. Briggs,) that the subject might as well be put over until the committee should report, that commission was now under a full sail of business. If the resolution was to be considered at this time, he would ask for the adoption of an amendment,

which he presumed the senator from Mississippi, (Mr. Walker), who had moved the resolution, would have no hesitation in adopting as a part of his own resolution, to wit:

"Copies of any communications or representations not heretofore communicated to the senate, which may have been adopted by the department of state by any portion of the said claimants in relation to the proceedings and progress of the Mexican commissioners under the said commission; also, any correspondence which may have taken place between Mexican commissioners and the secretary of state touching the execution of proceedings under the said commission, if not of such a character as to reflect upon the opinion of the president, to be improper to be communicated."

The amendment was accepted and incorporated in the original resolution.

Mr. Buchanan said he should move to refer the resolution to the committee on foreign affairs.

Mr. Walker had no objection to the reference to the committee on foreign relations, and would agree to the postponement to Monday week, and to consider the subject as a special order for that day. But he protested in the name of the American citizens interested in this subject against withholding information from the subject. He asked that all information upon this subject had before the American senate.

Mr. Buchanan. Undoubtedly information should be given upon this subject.

Mr. Walker. Why, then, oppose the resolution, or the committee on foreign relations, before its closing. Mr. W. said he would give the facts connected with the trade of Mexico and this country, for the purpose of showing the extent of the diminution of trade with Mexico, while it had increased with other governments. The reasons of this diminution, the extent of which was stated by the senator from Mississippi, were stated to be the abandonment of the rights of American citizens. Our flag had been torn down there; the government had neglected the rights of our citizens; and our commerce, in consequence, with Mexico, had been reduced almost to nothing, while the commerce with France, a government which protected its citizens, had greatly increased.

Mr. Buchanan thought the senator from Mississippi had not done justice to his government. The facts connected with the commission were briefly stated by the senator, for the purpose of showing that the government was not responsible for any improper conduct on the part of the Mexican commissioners. It was well known to all that General Jackson had brought the subject to the attention of the senate, and that the commission now in force was the result.

Mr. Walker said if justice had been done to American citizens, it would not have been so. He asked why it was that our commerce had fallen off as it had? In regard to General Jackson, he acquitted him of all blame. He recommended that the rights of our citizens should be maintained at the mouth of the cannon; and if his advice had been carried out, there would have been no war, and the rights of our citizens would have been maintained.

After a word or two from Mr. Buchanan connected with the appointment and progress of the commission, the whole subject was postponed to Monday week.

On motion of Mr. Linn,

Resolved, That the president of the United States be requested to communicate to the senate, if not incompatible with the public interest, all the information in his possession which may relate to the recent outrages committed by the Mexican citizens or people on the persons of American citizens residing at Santa Fe and the northern provinces of Mexico.

Mr. Benton submitted the following:

Resolved, That the executive be instructed to inquire into the nature of the payments now made or offered to be made by the federal government to its creditors; whether the same are made in hard money or paper money; whether the creditors have their option whether the government will pay in a discount; and what remedy, if any, is necessary to enable the government to keep its faith with the public creditors, so as to save them from losses, the consequence from violation, and the contrary.

The bill from the house of representatives in relation to the banks of the District of Columbia was read a first and second time by its title, and was, on motion of Mr. King, referred to the committee for the District of Columbia.

The bill to provide for the payment of the claim of the state of Georgia, for money advanced by that state on account of expenses incurred by calling out militia in cases of emergency, to aid in the suppression of Indian hostilities in Florida and Alabama, was ordered to be engrossed; and the senate adjourned.

February 17. The committee on claims reported adversely to the claims of the heirs of Albert Fulton.

Mr. Morehead submitted a resolution for establishing a standing committee on retrenchment.

Mr. Simmons a resolution for the postponement of the bankrupt law for one year. The chair decided it to be out of order. Several bills of private claims, &c. were passed and the senate adjourned.

FEBRUARY 18. Mr. Clay presented a memorial from citizens of Pennsylvania, in relation to the tariff, and in opposition to the compromise act. The memorialists were opposed to this act, and asked the senator to present the petition, to express his views in regard to it. Mr. Clay took occasion to do so, and in a few words.

Two motives had operated upon his (Mr. Clay's) mind, and he believed on the minds of others; to induce them to concur in the passage of the law. The first was to avert the calamity of civil war, the fear of which having been lighted up in South Carolina, threatened to kindle the flame of civil war; the second was to preserve from utter destruction, the system of protection which Pennsylvania favored when the law was passed; and he would repeat here, although it would not be long before he would have an opportunity to go into an examination of the whole subject, that if the compromise act had not been adopted, the whole system of protection would have been swept by the board by the preponderating influence of the illustrious man then at the head of the government, (General Jackson), at the very next session after its enactment. With regard to the operation of this law, it was not necessary to say that any portion of the embarrassments of the country had resulted from it. Other causes had contributed to this result, and it was to be attributed to the experiments which had been made upon the currency. The embarrassments were also to be attributed to the operation of the tariff, which, by plunging into schemes of internal improvement, had increased the debts abroad, and thereby given a false and fictitious appearance to the prosperity of the country; and, when their bonds depreciated, the evils under which we now suffered, as a consequence, ensued. As to the compromise, he had already said that it was his purpose, so long as he should remain in the senate, to maintain that the original principles of the act should be carried out faithfully and honestly; and, if in providing for an adequate revenue for an economical administration of the government, they could at the same time afford incidental protection, he would be happy to look to those objects, and to be accomplished; but if it should be necessary for the interests of Pennsylvania, to go beyond a revenue tariff, for the purpose of obtaining protection, then he hoped that every senator and representative from that state, and those of other states and other interests, who were in the senate, would be induced to give up, and would take up this subject of protection and carry it to the point which their local interests demanded.

Mr. Calhoun said that South Carolina opposed the tariff of 1828 because it was a palpable violation of the constitution, destructive of her interests, and threatening to overthrow the government itself; that when he yielded to the compromise act, he conceived that the protective principle was surrendered in toto; and that it was only in this view that he acted in yielding his assent to the bill. Any duty which transcended twenty per cent was a violation of the compromise, and more especially if it were caused by a surrender of any branch of the revenue.

He then said that, from Kentucky, that General Jackson could have protested the protective system if the compromise act had not passed. He thought it would have been beyond his power. Mr. Calhoun regarded the smallness of the reduction of duties by the compromise act as one of the great evils of the tariff. If the tariff, the low price of cotton had now made the manufacturers more prosperous than ever before.

Mr. Clay combatted the idea of the senator from South Carolina, that the tariff had created the embarrassments which existed for a long time in the country. He referred the senator to the discussions upon the tariff acts, for the purpose of showing that the tariff was not the cause of the distress.

If the senator would look to the tariff acts of '24, '28, '32, and the compromise act of 1833, he would find that the revenues of the country had never been more from these acts than the expenditures of government. The whole surplus revenue, about which so much had been heard, and which was attributed to the protective policy, originated exclusively in the extensive land sales, which had swelled in one year to the enormous amount of twenty-six millions of dollars. These excessive sales alone had exceeded the amount of the surplus revenue which had ever been brought into the treasury.

Hereafter, he said, he should be able to show that it would be impossible to stand by the twenty per cent, even by withdrawing the whole of the land fund from its appropriated purpose of distribution, and placing it in the treasury.

Mr. Calhoun said he regretted that the senator had felt himself called upon to reply to what he had said. The senator, in expressing his impressions, and he felt called upon to state his in reply to the tariff and fund was replaced in the treasury, and the limitation of 20 per cent duty adhered to, the receipts would be ample for the ordinary wants of the government.— This might not be the case at once, because there was a public debt upon the country, but with the land fund and 20 per cent duty, the treasury would be sufficient for the expenditures, and to create a sinking fund for the gradual extinction of the public debt.

Mr. Preston believed the compromise act a wise and humane law, conceived in a wise and generous spirit, and that it would be a rallying point, it would be well. If not, he feared the country would be in a state of alarm, the extent of which could not be foreseen. He did not say we could not, or should not go beyond twenty per cent, in providing a revenue sufficient for the economical administration of the government. If more was wanted for the welfare of the country, he should say grant it. He said the imposts be equal to the fair and legitimate expenditures of government; but nothing more than this, though to this extent he would go. The duty of twenty per cent wisely imposed, he believed would be equal to the public wants, and he would not yield one cent beyond this until the land revenue was brought back into the treasury, as it ought to be.

Mr. Preston, in closing his remarks, denied that disunion was ever, even at the moment of the greatest excitement, designed by the state of South Carolina. No such thing was contemplated except as the last resort and as the only means of getting rid of a great and unbearable oppression.

The memorial was then referred.

Mr. Clay presented a memorial, which, he said, was well written, being from a naturalized citizen of the United States, and that the measures might be taken to protect those citizens in case of war. Mr. C. said the memorialist was an Irishman by birth, and full of the generous and ardent devotion which belongs so peculiarly to his countrymen, where his adopted country was concerned. Although he (Mr. C.) did not appear to be a native, yet he expressed his entire readiness to defend the country, and to do the same extent he would the native. He moved the reference of the memorial to the committee on foreign affairs.

Mr. Buchanan presented a memorial from Huntington county, Pennsylvania, asking protection for the iron trade and manufacture of the country, and stating that the tariff of 1833 was not adequate as a means of protection against foreign competition.

Mr. B. said he felt it to be a duty which he owed to the venerable ex-president of the United States to refer the senate and the country to his expressed opinions on the subject of the tariff, about the same time when the compromise act passed. These opinions were now matters of history; and he thought the senator from Kentucky (Mr. Clay) was mistaken in supposing that he intended to prostrate the whole protective system.

In his message to congress of the 4th December, 1832, he says: "Those who take an enlarged view of the condition of our country must be satisfied that the policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our safety in time of war. Within this scope, on a reasonable scale, it is recommended, by every consideration of patriotism and duty, which will doubtless always secure to it a liberal and efficient support." And, again, in the same message: "In effecting this adjustment, [of the tariff,] it is due, in justice to the interests of the different states, and even to the preservation of the union, that the protection afforded by existing laws to any branches of the national industry should not exceed what may be necessary to counteract the regulations of foreign nations, and to secure a supply of those articles of manufacture essential to the national independence and safety in time of war."

In his celebrated anti-nullification message to congress of the 16th January, 1833, he came out decidedly against the principle of the compromise act establishing the same rate of ad valorem duty on all articles, whether they had been protected or unprotected. In reply to the address to the people of the United States, by the convention of South Carolina, he says: "The majority of the states, and of the people, will certainly not consent that the protecting duties shall be wholly abrogated, never to be re-enacted at any future time, or, in any possible case, to be practically so treated as to provide that the same rate of duty shall be imposed upon the protected articles that shall be imposed upon the unprotected;" which, moreover, would be severely oppressive to the poor, and in time of war, would add greatly to the rigors.

Mr. Williams moved to lay the whole subject on the table.



